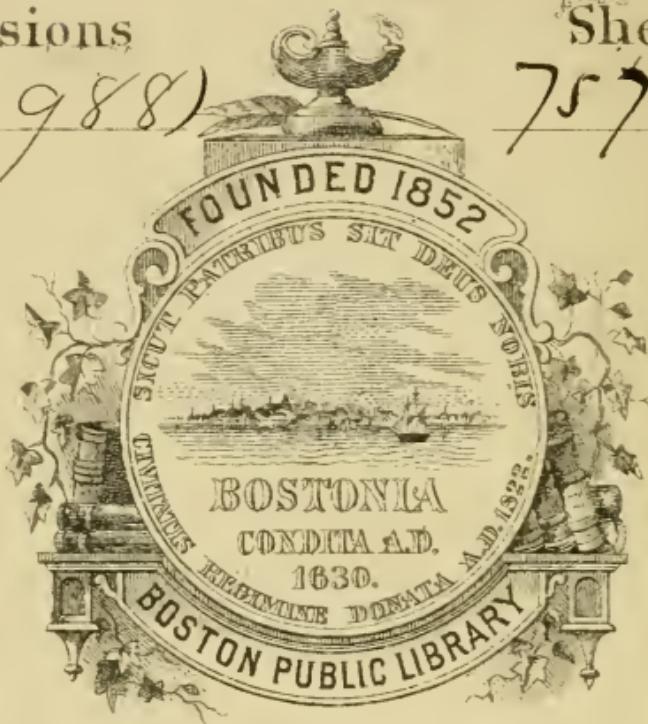


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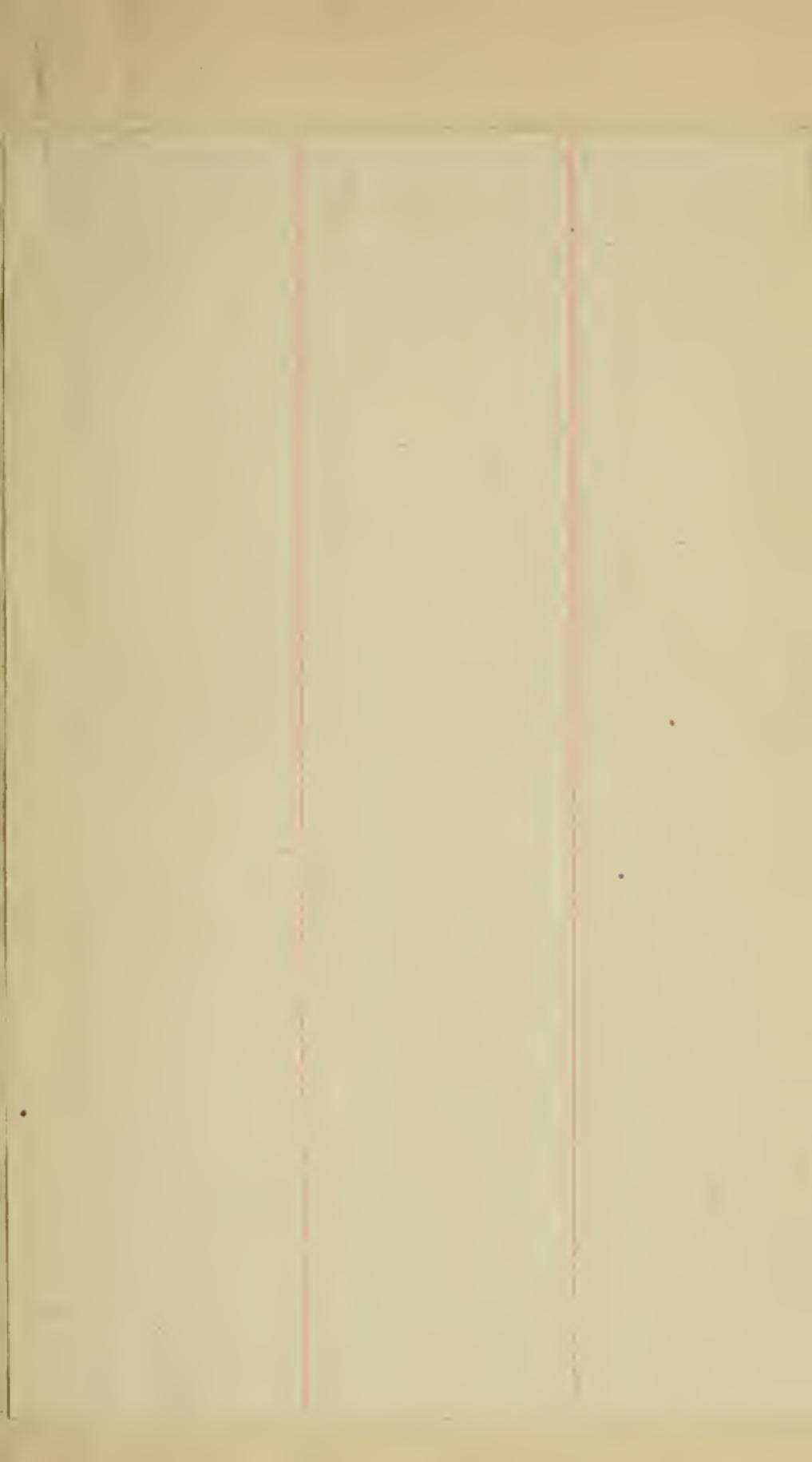
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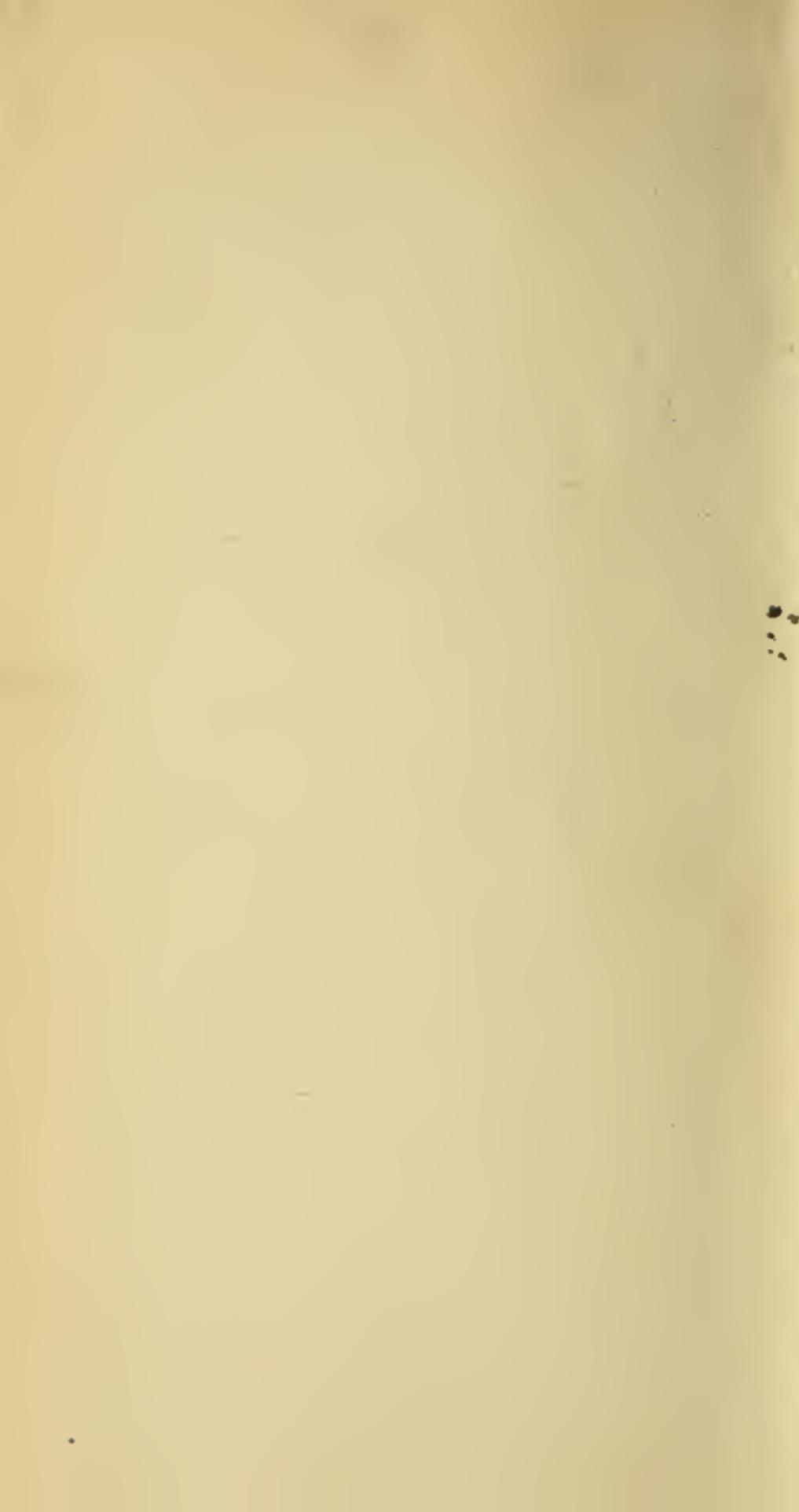
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Dec. 3, 1891





REVISED MANUAL.

OF



Laws of Massachusetts Concerning Children.

1882.

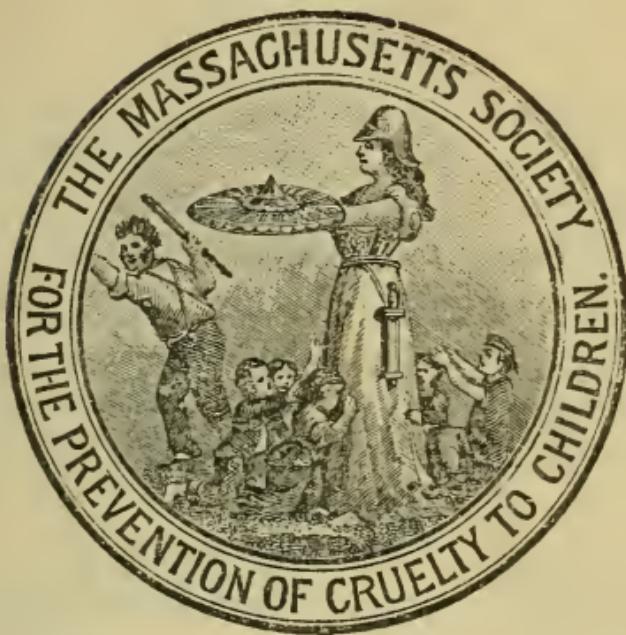
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BOSTON.

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REVISED MANUAL

OF



LAWS OF MASSACHUSETTS CONCERNING CHILDREN.

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OFFICE: 1 PEMBERTON SQUARE,

BOSTON.

BOARD OF GOVERNMENT.
1882.

President.

CHARLES D. HEAD.

Vice-Presidents.

Josiah G. Abbott,	<i>Boston.</i>	John D. Long,	<i>Hingham.</i>
John Ayres,	"	Jas. Russell Lowell,	<i>Cambridge.</i>
Thomas T. Bouvé,	"	A. A. Miner,	<i>Boston.</i>
Martin Brimmer,	"	Daniel Needham,	"
Phillips Brooks,	"	Henry K. Oliver,	<i>Salem.</i>
Jas. Freeman Clarke,	"	Josiah Quincy,	<i>Quincy.</i>
E. S. Converse,	<i>Malden.</i>	Samuel E. Sewall,	<i>Melrose.</i>
Francis H. Dewey,	<i>Worcester.</i>	Charles A. Stott,	<i>Lowell.</i>
Philip L. Moen,	"	Oliver Warner,	<i>Arlington.</i>
William Gaston,	<i>Boston.</i>	Chas F. Shimmin,	<i>Boston.</i>
Lyman Hollingsworth,	"	S. G. Morgan,	<i>New Bedford.</i>
Patrick T. Jackson,	"	Mrs. James K. Mills,	<i>Boston.</i>
Abbott Lawrence,	"		

Directors.

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Joseph S. Bigelow,	"	Miss Florence Everett,	<i>Dorchester.</i>
Walter L. Bouvé,	"	Mrs. Chas. Fairchild,	<i>Boston.</i>
F. S. Cabot,	"	Mrs. A. Hemenway,	"
Dr. Samuel Cabot,	"	Miss Helen M. Ireson,	<i>Lynn.</i>
Alfred A. Childs,	"	Mrs. Wm. James,	<i>Cambridge.</i>
Charles R. Codman,	"	Mrs. John Lathrop,	<i>Boston.</i>
George B. Dorr,	"	Mrs. John Lowell,	<i>Chestnut Hill.</i>
Charles D. Head,	"	Mrs. G. W. Simmons, Jr.,	<i>Boston.</i>
L. J. B. Lincoln,	"	Miss Ellen M. Tower,	"
George H. Lyman, Jr.,	"	Mrs. Winslow Warren,	<i>Dedham.</i>
Wm. Howell Reed,	"	Mrs. Kate G. Wells,	<i>Boston.</i>
C. F. Shimmin,	"	Mrs. J. W. Wolcott,	<i>Dedham.</i>
Wm. S. Whitwell,	"		
Mrs. Henry W. Abbot,	"		
Miss Helen F. Ayres,	"		
Mrs. Thos. M. Brewer,	"		

Treasurer.

CHARLES FOLLEN ATKINSON.

Advisory Counsel.

J. LEWIS STACKPOLE, GEORGE H. LYMAN, Jr.

Acting Counsel.

CHARLES C. READ.

General Agent and Secretary.

FRANK B. FAY.

Appeal.

The Massachusetts Society for the Prevention of Cruelty to Children appeals to the public for sympathy, co-operation, and support.

Children need protection from neglect and starvation, from severe beatings inflicted by drunken or angry parents and guardians. They are often overworked, underfed, and scantily clothed by those to whom they have been consigned. They are often bound out, given, let, or sold to acrobats, variety actors, singers, organ-grinders, dancers, jugglers, circus-riders, peddlers, beggars, showmen, and others, who employ them in ways that are injurious to health and dangerous to limb and life, and who force them by cruelty to adopt injurious and unlawful practices, and subject them to hardships and exposures which they are quite unable to endure.

We depend entirely upon donations and memberships, making no charge for expenses in investigating any case.

To show the need of such a Society, we give a few specimen cases by numbers on our record:—

1436. Man arrested for incestuous relations with his own daughter, a pretty girl of twelve years of age. Sentenced to five years in State prison. Girl adopted by a good family.

1938. A young girl enticed into the lodging room of a man who committed a felonious assault upon her. Three years in State prison.

1841. Sick girl, nine years old, beaten and abused by drunken father and mother. After child's removal to hospital by friends the parents were arrested on complaint of the Society for assault. Father, six months in house of correction. Mother, \$50 and costs.

1593. Boy, seven. Father dead. Mother died from abuse by second husband. Boy left in charge of a miserable woman. Taken by Society. Step-father in prison, the only relative, consented. Child now well cared for.

1069. Girl, nine. Mother dead. Step-mother had severely whipped the girl. Had scars on head and face; had been placed on hot stove. Left naked in a cold room in winter. Difficult to obtain evidence. Child taught to conceal cruelty. To avoid publicity father gave the child to the society.

1090. An interesting and amiable girl, fifteen, living with an aunt, who had overworked her, and abused her by blows on the head, and by striking on neck with hot poker. Girl sought our protection. We obtained guardianship and custody after a long contest.

1676. Three children, two to five years of age, abandoned by father. Mother very intemperate. When found, the mother was lying drunk and in-

sensible, and the *children all intoxicated*. Mother arrested. Children sent to the Marcella Street Home.

1656. Five children, from two to nine years of age, living in a wretched condition, taught to lie and steal by drunken parents. Children removed to a home.

1217. Two children, boy nine, girl seven, terribly beaten with a broomstick. Both children had their eyes blackened by blows, their bodies fearfully bruised, and patches of skin taken from their faces. Father and mother arrested. Fine and costs, \$75. Well treated since.

1683. Girl, nine, taken to New York from wretched home in Boston by a blind pedler, who claimed he had the parents' consent. New York society rescued her and returned her to us. Father and mother intemperate. The girl, with other children of same family, placed in a home.

1637. Boy, fifteen. Father dead. Abandoned by his mother in the street when ten years of age. No home or known relatives. At his request, Society took guardianship papers, to enable him to enlist in the navy.

1536. Three children, sixteen months to six years of age. Mother intemperate and dissolute, wasting her husband's wages in riotous living. Children rescued and placed with a relative, father paying board. Mother leaves the State.

1446. Girl, fourteen, seeks our protection from

intemperate parents, who abuse her shamefully. Send her to the "dump" to pick coal to be sold for liquor. For refusing to go for liquor is kept out of doors, improperly clad, for two hours in cold weather. Has been dragged by her hair. An elder sister had had same experience. Pending our action for guardianship, parents surrender all legal rights to a good family.

1311. Boy, two, badly deformed, a cripple, destitute. Removed to hospital. Surgical operation. Entire cure.

1316. Girl, sixteen. Long continued overwork by step-mother. Girl diseased and feeble. Guardianship and custody obtained. Placed in a happy home.

1349. Three children, three to thirteen, dirty, ragged, almost naked. No furniture, no food. Father intemperate and indifferent. Mother dead. Rescued under the "neglect law."

1400. Six children, from two to sixteen. Father intemperate. Mother dead. Boy, fourteen, in truant school. Girl, ten, with relative. Girl, sixteen, having charge, was sick and under hospital treatment. Three younger children placed in a home for adoption.

1409. Six children, four months to ten years. Father drunken and ugly, abused wife and children. Case investigated. Arrangements made to send wife and children to relatives in another State. Father repented, promised reform; mother

accepted his promises. At last accounts doing well.

1875. Four children, five months to nine years. Father intemperate, sickly. Mother negligent and dissolute, absenting herself for weeks at a time, abandoning her nursing infant. Under "neglect law" children sent to Marcella Street Home and city nursery.

Some other cases are as follows:—

A boy was thrown down and jumped upon; a girl thrown down stairs and severely injured; in three cases, three or four children in each instance were left by their parents without food, and almost without clothing, in a cold barn, for three or four days together; a small boy beaten, sent out on the roof, and there tied to a chimney, on a winter's night; in one house, three split straps and five other straps, instruments of torture, were found. A small girl was standing barefooted, in midwinter, begging. When driven indoors by the cold, a woman beat her with a rattan, to force her out again to resume begging. These are but a sample of the almost incredible varieties of wrong inflicted by irresponsible power on helpless children.

Cases are constantly occurring where children of drunken parents are sadly neglected, infants left in charge of girls ten years of age, the mother being in prison, and the father almost constantly intoxicated.

We rescue these children from their miserable homes, and place them where they will be well cared for.

Children thus neglected are liable to become criminals, and the community to be burdened with their support. To rescue these boys and girls, and secure them good homes, or to place them under good influences, is not only a blessing to them, but aids in making them good citizens. Duty, self-interest, and humanity combine to encourage this movement.

Our purpose is to convert as well as convict; and, while we would not interfere with the *just* rights of parents and guardians, we shall endeavor to convince them, by the force of law or argument, that children have rights which must be respected, and that they can be governed without cruelty.

Home.

We have a temporary home at 94 Chestnut Street, which receives children found abandoned from any cause, for whom immediate shelter must be found, also those committed to our care or who are waiting the action of the courts.

Extracts from the Constitution of the Society.

Object.

ART II. Its object is to provide effective means

for the prevention of cruelty to children throughout this Commonwealth.

Membership.

ART. III. The Society shall consist of benefactors, life members, annual members, contributors, and honorary members. Benefactors shall be those who pay one hundred dollars or more at one time to the Society; life members, those who pay fifty dollars; annual members, those who pay five dollars per year; contributors, those who pay less than five dollars per year; and honorary members, those who may be elected such. Every member will receive an appropriate certificate of membership, signed by the treasurer and secretary.

Remittances may be made to the treasurer or the general agent, at the office of the society, *No. 1 Pemberton Square.*

Annual meeting second Tuesday of January.

Memberships expire March 1.

We earnestly invite all persons to report at our office, *No. 1 Pemberton Square*, or to any agent, cases of real or suspected abuse or neglect occurring *in any part of the State*, by parents or guardians, or others having permanent or temporary care of children; accepting our assurance that they will not be personally compromised by so doing.

FRANK B. FAY, *Gen. Agt. and Sec.*

FORM OF BEQUEST.

FOR PERSONAL PROPERTY.

I give and bequeath to the Massachusetts Society for the Prevention of Cruelty to Children, incorporated in 1878, the sum of dollars, to be applied to the uses of said corporation.

FOR REAL ESTATE.

I give and bequeath to the Massachusetts Society for the Prevention of Cruelty to Children, incorporated in 1878, the following property; to wit (*here insert description of the property*), together with the appurtenances thereto belonging. To have and to hold the same unto said corporation, its successors and assigns forever.

Our Methods.

The question is often asked, "How do you work?" We can only answer briefly: In cases of cruelty by beating or inflicting pain, we prosecute for assault. In cases of wilful neglect, we take the children before a magistrate, under the law, Public Statutes, Chapter 48, or Statutes of 1882, Chapter 181, Section 3. (Pages 14, 16, of this Manual). In other cases, we apply to the probate court for guardianship and custody. In both the above cases, the children are taken from the neglectful or cruel parents, and transferred to some

institution or home. In some instances, the parents will, upon proper representations, give up the children for better care by relatives, friends, or institutions. Our only object is to protect the children, but it is sometimes necessary to punish the parents to accomplish it, and so they are often committed to prison and the children provided for in their absence. Cruelty is not confined to actual physical abuse by blows, but there are many other forms that need to be prevented. This is only a general statement, and gives but a slight idea of the cases presented to us, which can only be properly appreciated by an examination of our records.

Agents Wanted.

The Society proposes to have an agent in every town in the State. Of course, these agents cannot be paid except for special services. And it is hoped that men may be found who are so interested in the protection of children from neglect and abuse as to be willing to occupy the position.

The agent should be kind but firm, courageous but not rash. It will be borne in mind that all cases of cruelty or ill-treatment do not occur where intemperance prevails, nor among the lower orders; and, in many cases, the wisest judgment is needed. The knowledge of the presence of an agent in a town prevents, as well as checks, both cruelty and neglect.

We hope our friends, in towns where there is no agent, will give this subject consideration, and help us to select suitable agents.

In the mean time, our office agents will be sent to any part of the State where cases need investigation.

Ladies' Committee on Homes.

It is the desire of the Society to have in each town, local committees of ladies on homes, to aid in finding families willing to receive children for a longer or shorter period.

Summary of Work.

1880.

New cases in 1880,	354
Number of children involved,	648
(Many old cases reinvestigated.)	
Number of children having intemperate fathers,	209
Number of children having intemperate mothers,	160
Number of children having no fathers,	106
" " " " mothers,	84
" " " " step-fathers,	31
" " " " step-mothers,	31
" " " " a parent in prison,	35
" " " " guardians appointed,	5

Number of illegitimate children,	55
" " children sent to city institution for neglected children,*	23
Number of children transferred to other homes, to relatives and other families, . . .	137

1881.

New cases in 1881,	712
Number of children involved,	1,350
Old cases reinvestigated,	641
Number of children having intemperate fathers,	594
Number of children having intemperate mothers,	519
Number of children having no fathers, . . .	230
" " " " mothers, . . .	211
" " " " step-fathers, . .	71
" " " " step-mothers, . .	69
" " " " a parent in prison, .	50
" " " " guardians ap- pointed,	21
Number of illegitimate children,	110
" " children sent to Marcella Street Home,	106
Number of children transferred to other homes, to relatives and other families, . .	388
Number of children sent to hospitals, . . .	22

* Neglect law not operative.

Statutes of Massachusetts concerning Children.

Neglected Children.

[Pub. Stats., Chap. 48.]

[NOTE.—This act will be effectual only in those cities and towns which have adopted by-laws and provided a place to which neglected children may be sent. In other places action can be taken under Chap. 181, Sect. 3, Acts of 1882. See page 16 of this manual, which statute will ordinarily be used.]

SECT. 18. Each town may, and every town containing five thousand or more inhabitants shall, make all needful provisions and arrangements concerning children under sixteen years of age, who, by reason of the neglect, crime, drunkenness, or other vices of parents, or from orphanage, are suffered to be growing up without salutary parental control and education; or in circumstances exposing them to lead idle and dissolute lives; and may also make all such by-laws respecting such children as shall be deemed most conducive to their welfare and the good order of the city or town.

SECT. 19. The selectmen of towns containing five thousand or more inhabitants, and of other towns availing themselves of the provisions of sections 18 to 21 inclusive, shall severally appoint suitable persons to make complaints of violations of by-laws adopted under the preceding section; and the persons so appointed, and the officers and duly appointed agents of the Massachusetts Society for the Prevention of Cruelty to Children, shall alone be authorized to make such complaints; and the persons so appointed shall alone be authorized to make complaints under the following section.

SECT. 20. A judge of the superior court, or of a police, district, or municipal court, or a trial justice, upon proof that any child under sixteen years of age, by reason of orphanage, or of the neglect, crime, drunkenness, or other vice of parents, is so growing up, may order such child to such institution of instruction, or other place assigned for the purpose, as may be provided under section 18 by the town in which such child resides, to be there kept, educated, and cared for, for a term not extending beyond the age of twenty-one years for boys, or eighteen years for girls.

SECT. 21. When the parents of a child committed under the preceding section have reformed, and are leading orderly and industrious lives, and are in a condition to exercise salutary parental

control over such child, and to provide him with proper education and employment, or when, said parents being dead, any person offers to make such suitable provision for the care, nurture, and education of such child as will conduce to the public welfare, and will give security for the performance of the same satisfactory to the directors, trustees, overseers, or other board having charge of the institution to which such child is committed, they may discharge him to the parents or to such other person.

Neglected Children.

[Acts of 1882, Chap. 181.]

[**NOTE.**—It will be noticed by the following act, that the board of health, lunacy and charity must be notified when a neglected child is to be brought before a magistrate. When the settlement is admitted to be in any town in the State, the agents of the above board may not appear.

The law differs from the former "neglect law," in reducing the limit of age to fourteen. In towns which have adopted by-laws, (Chap. 48, Sect. 18, above) action can be taken under that statute.

For directions how to make complaints, see page 18.]

SECT. 3. Whenever it shall be made to appear to any court or magistrate that within his jurisdiction any child under fourteen years of age, by reason of orphanage, or of the neglect, crime,

drunkenness or other vice of his parents, is growing up without education or salutary control, and in circumstances exposing him to lead an idle and dissolute life, or is dependent upon public charity, such court or magistrate shall, after notice to the state board of health, lunacy and charity, commit such child, if he has no known settlement in this Commonwealth, to the custody of said board, and if he has a known settlement then to the overseers of the poor of the city or town in which he has such settlement, except in the city of Boston, and if he has a settlement in said city, then to the directors of public institutions of said city, until he arrives at the age of twenty-one years, or for any less time; and the said board, overseers and directors are authorized to make all needful arrangements for the care and maintenance of children so committed in some state, municipal or town institution, or in some respectable family, and to discharge such children from their custody whenever the object of their commitment has been accomplished.

[Pub. Stats., Chap. 84.]

SECT. 2. Overseers of the poor may remove to the almshouse such children as are suffering destitution from extreme neglect of dissolute or intemperate parents or guardians, except as hereinafter provided. (Chap. 84, Sects. 3, 4, page 60.)

How to Proceed.

In making a complaint in the case of neglected children, the following suggestions will be useful to our agents or others:

1. Apply to a police or district court, or trial justice, for a warrant under Chapter 181, Section 3, Acts of 1882.
2. The magistrate will notify the State Board of Health, Lunacy and Charity when the case will be heard.
3. Arrest the child, and notify the parents, guardians, or custodians, if any.
4. Note the condition of the house as to cleanliness, furniture and food, beds and bedding, and the condition of the children as to clothing and cleanliness.
5. Take them to court *as found*, without change, that the magistrate may better judge of the neglect.
6. Do the children attend school?
7. Are the parents intemperate?
8. Are the children sent for liquor, or to beg?
9. What is the general character of the parents or guardians, for sobriety, industry, chastity and veracity?
10. If the children have a known settlement, and the State Board are so notified, they will probably not be represented at the trial.
11. If the magistrate decides to commit them, the arresting officer will carry out the order of the court.

12. Agents and others will confer a favor by sending names of parents or guardians, and names and ages of children to our office, with the result of the trial.

Boston's Ordinance for Neglected Children.

The following ordinance, adopted by the city council, enabled us to rescue neglected children under the law of 1866. The Statute of 1882, Chapter 181, avoids the necessity of this ordinance, except as to children between fourteen and sixteen.

CITY OF BOSTON.

An ordinance in relation to Neglected Children.

SECT. 1. Every child under sixteen years of age who, by reason of the neglect, crime, drunkenness, or other vices of parents, or from orphanage, is suffered to be growing up without salutary parental control and education, or in circumstances exposing such child to lead an idle and a dissolute life, may be ordered to such institution of instruction or other place as may by ordinance be assigned for the purpose, for a term not extending beyond the age of twenty-one years for males, or eighteen years for females.

SECT. 2. The Marcella Street Home is hereby assigned as a place to which children may be ordered upon complaints made under the above Sec-

tion and Chapter 283 of the Acts of the year 1866; and the board of directors for public institutions shall have and exercise the same control over the children sent to said place, except the power to bind out as apprentices or servants, as they have and exercise over children sentenced and committed under the provisions of Chapter 182 of the Acts of the year 1825.

Abandoned and Abused Children Transferred to the Massachusetts Society P. C. C.

[Pub. Stats., Chap. 48.]

SECT. 22. The judge of the probate court of any county, when it appears that a minor under fourteen years of age resident therein, is without a guardian, and is entirely abandoned, or treated with gross and habitual cruelty, by the parent or other person having the care or custody of him, or is illegally deprived of liberty, may appoint as his guardian the Massachusetts Society for the Prevention of Cruelty to Children for such period as seems fit to the judge; and said society shall thereupon become entitled to the custody of such child, to the exclusion of any other person, but shall not be entitled to his property. Said judge may at any time, for good cause, revoke such appointment.

SECT. 23. The parents, surviving parent, or guardian of a child under fourteen years of age, if unable to support him, may by an agreement in writing, signed, and fixing the terms of the custody, place him in the charge of said society, which shall thereupon have custody of him, as provided in the preceding section.

SECT. 24. Upon the complaint of said Society that a child under five years of age has been abandoned and deserted in a street or public place, or in a vacant building, a judge of any court, within his jurisdiction, may give the custody of such child for a period not exceeding thirty days to said society; which shall thereupon give notice thereof, under the direction of said judge, by advertisement in some newspaper published in the county where such child is found; and such child, if claimed by its parents, parent, or guardian, may be returned to them by said judge.

SECT. 25. Nothing in the three preceding sections shall be construed to oblige said society to receive the custody of any child.

SECT. 26. In Hampden County the provisions of the four preceding sections shall in all respects be applicable to the Hampden County Children's Aid Association in like manner as to the Massachusetts Society for the Prevention of Cruelty to Children.

Neglecting to Support Children.

[Acts of 1882, Chap. 270.]

SECT. 4. Whoever unreasonably neglects to provide for the support of his minor child shall be punished by fine not exceeding twenty dollars, or by imprisonment in the house of correction not exceeding six months.

Abandoned Infants.

[Acts of 1882, Chap. 270.]

SECT. 1. Whoever, being the parent of a child less than two years old, abandons it within or without any building in this Commonwealth, or, having made a contract or provision for the board or maintenance of such child, absconds or fails to perform any such contract or provision, and for a period of four weeks after such absconding or failure neither visits nor removes such child, nor during said period notifies the overseers of the poor of the city or town where such parent resides of his or her inability to support such child, shall be punished by imprisonment, if a man, in the house of correction, and if a woman, in the reformatory prison for women, not exceeding two years, or, in case death shall result from such abandonment, not exceeding five years; but this

act shall not apply to cases in which the omission to visit, remove, or support such child, or to give such notice, arises from physical or mental disability.

SECT. 2. Every person who knowingly and with wrongful intent aids or abets the abandonment of any such child, as set forth in the preceding section, shall be punished by a fine not exceeding one hundred dollars or imprisonment not exceeding two years in the house of correction.

Infant Boarding.

[Pub. Stats., Chap. 80.]

SECT. 60. Whoever engages in the business of taking nursing infants or infants under three years of age to board, or of entertaining or boarding more than two such infants in the same house at the same time, shall, within two days after the reception of every such infant beyond the first two, give written notice to the board of health of the city or town where such infant is so to be entertained or boarded, specifying the name and age of the child, and the name and place of residence of the party so undertaking its care; and such board may enter and inspect said house and premises while said business is carried on, and direct and enforce such sanitary measures

respecting such children and premises as it may deem proper.

SECT. 61. Whoever violates any of the provisions of the preceding section, or refuses admission to such board for said purpose shall be punished by fine of not less than fifty nor more than five hundred dollars.

[Acts of 1882, Chap. 270.]

SECT. 3. Every person who receives for board a child under the age of one year, knowing or having reason to believe it to be illegitimate, shall forthwith notify the overseers of the poor of the city or town in which he resides of the fact of such reception, and, if requested by such overseers shall also so notify the State board of health, lunacy and charity. The parent or parents of such child shall, when called upon by said board or such overseers, give to such board or such overseers satisfactory security for the maintenance of such child. The parents of such children shall, when called upon, give true answers to the said State board, or any of its officers, as to the residence, parentage, and place of settlement of such children, so far as their knowledge extends. Whoever violates any of the provisions of this section shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the house of correction not exceeding one year.

Assault and Battery.

A simple assault and assault and battery, are offences under the common law, and are not defined by statute.

Assault and battery are always classed together because they are acts closely connected.

There may be an assault without amounting to a battery, yet a battery must comprise an assault.

An assault is the unlawful laying of hands on another person, or an attempt to do a bodily hurt to another, or to deprive another of his liberty, or without justifiable cause to occasion a well founded apprehension of bodily peril.

A battery is the actual striking or ill-treating of, or applying force to, a person in a rude or angry manner.

The present ability and intention to do the act must be proved.

Threatening to do a hostile act, when near enough to accomplish it, is an assault; but no mere words can in any case amount to an assault.

Simple assault is one committed with no intention to do any other injury. Aggravated assault is one committed with the intention of committing some additional crime, as with intent to kill, rob, steal, rape, etc. (Chap. 202, Pub. Stats.)

A justifiable assault may be committed by a person in defence of himself or his property, or of the person of another.

Rape.

[Pub. Stats., Chap. 202.]

SECT. 27. Whoever ravishes and carnally knows a female of the age of ten years or more, by force and against her will, or unlawfully and carnally knows and abuses a female child under the age of ten years, shall be punished by imprisonment in the state prison for life, or for any term of years.

SECT. 28. Whoever assaults a female with intent to commit a rape, shall be punished by imprisonment in the state prison for life, or for any term of years, or by fine not exceeding one thousand dollars and imprisonment in the jail not exceeding three years.

Guardianship.

[Pub. Stats., Chap. 139.]

[**NOTE.**—In applying for the guardianship of a minor, *on account of the unfitness of the parents*, add to the usual form the words, “and to have the custody of said minor.”]

It is well to state in the petition the reason of the unfitness of the parent.

Insert the birthday of the child, if possible. The parent must have seven days personal notice, or three weeks by advertisement.]

SECT. 1. The probate court in each county may, when it appears to be necessary or convenient, appoint guardians to minors and others who

are inhabitants of, or residents in, the county, or who may reside out of the Commonwealth and have estate within the county.

SECT. 2. If a minor is under the age of fourteen years, the probate court may nominate and appoint his guardian. If he is above that age, he may nominate his own guardian, who, if approved by the court, shall be appointed accordingly. If the person nominated is not approved by the court, or if the minor resides out of the Commonwealth, or after being cited neglects to nominate a suitable person, the court may nominate and appoint his guardian in the same manner as if he were under the age of fourteen years.

SECT. 3. The nomination of a guardian by a minor above the age of fourteen years may be made before a justice of the peace or before the city or town clerk, who shall certify the fact to the probate court.

SECT. 4. The guardian of a minor, unless sooner discharged according to law, shall continue in office until the minor arrives at the age of twenty-one years, and he shall have the custody and tuition of his ward and the care and management of all his estate, except that the father of the minor, if living, and in case of his death the mother, they being respectively competent to transact their own business, shall be entitled to the custody of the person of the minor and to the care of his education; but the probate

court may order that the guardian shall have such custody, if, upon a hearing, and after such notice to the parents or surviving parent, as it may direct, it finds such parents or parent to be unfit to have such custody, or if it finds one of them unfit therefor, and the other files in such court his or her consent in writing to such order.

SECT. 5. A father, or, in case the father has died without exercising the power, a mother, may by his or her last will in writing, appoint guardians for his or her children, whether born at the time of making the will or afterwards, to continue during the minority of the child or for a less time. Such testamentary guardians shall have the same powers and perform the same duties, with regard to the person and estate of the ward, as guardians appointed by the probate court

Sections 7 to 16 provide for guardianship of insane persons, spendthrifts and married women.

Sections 17 to 20 provide for guardianship of persons out of the State.

Section 22 requires a bond of guardians, except as provided in section 25 below.

SECT. 25. When the custody of a minor is given to a guardian, pursuant to section 4, for the reason that one or both of the parents of the minor are unfit to have such custody, such guardian may, in the discretion of the court, be allowed to give a bond without a surety; but the court may in such case, at any time when it deems that the

protection of the ward's interests renders it necessary, require such guardian to give a bond with a surety or sureties.

Sections 29 to 43 define the general powers and duties of guardians.

SECT 41. The marriage of a female under guardianship, as a minor, shall discharge her guardian from all right to her custody and education, but not from his right to her property.

Concerning sales and mortgages of real estate and other provisions and liabilities of guardianship, see chapters 140, 141, 142, 143, 144.

Temporary Guardianship.

[Pub. Stats., Chap. 139.]

SECT 6. Upon the application of the mayor of a city, or the selectmen of a town, or of the overseers of the poor of a city or town, probate courts may, within their respective jurisdictions, *pending proceedings before them for an order under section four*, or for the removal of a guardian of a minor, appoint some suitable person to be temporary guardian of such minor during the pendency of such proceedings; and the person appointed to be such temporary guardian shall have the custody and control of such minor until such proceedings are terminated. The probate court having jurisdiction may at any time, with or without notice, terminate such temporary guardianship.

Adoption of Children.

[Pub. Stats., Chap. 148.]

SECTIONS 1 and 2 provide that an inhabitant of this State of twenty-one years of age, may petition the probate court of the county of his residence, for leave to adopt a child, younger than himself, not his own. If the petitioner have a husband or wife, both must join in the petition. The parents or survivor of them, or the parent having custody, if the parents live apart, or the guardian, unless they have deserted or neglected the child for two years, shall consent in writing. If there is no parent or guardian, the next of kin may give such consent. If there is no next of kin, the court may appoint some person to act as next friend. One cannot adopt his or her wife or husband, brother, sister, uncle, or aunt. A person not an inhabitant of the State may petition the probate court where the child resides. If the child is above fourteen years he must give written consent.

SECT. 3. The consent of the persons named in the preceding section, other than the child or her husband, if any, shall not be required if the person to be adopted is of adult age, nor shall the consent of any such person other than the child be required if such person is adjudged by the court hearing the petition to be hopelessly insane, or is imprisoned in the state prison or in a house of correction in this Commonwealth under sen-

tence for a term of which more than three years remain unexpired at the date of the petition; or if he has wilfully deserted and neglected to provide proper care and maintenance for such child for two years next preceding the date of the petition; or if he has suffered such child to be supported for more than two years continuously, prior to the petition, by a charitable institution incorporated by law, or as a pauper by a city or town or by the Commonwealth; or if he has been convicted of being a common drunkard, and neglects to provide proper care and maintenance for such child; or if such person has been convicted of being a common night-walker, or a lewd, wanton, and lascivious person, and neglects to provide proper care and maintenance for such child. A giving up in writing of a child, for the purpose of adoption, to a charitable institution incorporated by law, shall operate as a consent to any adoption subsequently approved by such institution. Notice of the petition shall be given to the state board of health, lunacy and charity, in case the child is supported as a pauper by a city or town or by the Commonwealth.

SECTION 4 requires that the citations to appear at court must be served upon the parents or guardian seven days at least before the hearing, or be published three weeks in some newspaper approved by the court.

SECTION 7 defines rights of adopted children as to succession of property.

Agreement for Adoption.

To enable parties to get legal possession of children given to them by their parents, without resort to any legal proceedings for adoption, we publish the following form, which has been recognized as valid in several of the probate courts of the Commonwealth:—

“ For and in consideration of expenses incurred or to be incurred by in behalf of my child, years of age, and to enable said to procure for said child a suitable home, where it may be properly provided for and educated, I hereby delegate to said my authority over said child; and I do, of my own free will, give up said child to said unreservedly for the purposes aforesaid, or such other disposal as may seem to best for its welfare (agreeing that I will neither seek to discover its home, attempt its removal therefrom, nor in any way molest the family in which it may be placed or other parties interested).

"In witness whereof I have hereunto set my hand, at this day of 18 } Parent of } said child.

"In presence of

To be signed by both parents, if living and accessible.

NOTE.--The words in parenthesis may be omitted if desirable.

Apprentices.

[Pub. Stats, Chap. 149.]

SECT. 1. Children under the age of fourteen years may be bound as apprentices or servants until that age; and minors above the age of fourteen years may be bound as apprentices or servants, females to the age of eighteen years, or to the time of their marriage within that age, and males to the age of twenty-one years.

SECT. 2. Children under the age of fourteen years may be bound by their father, or, in case of his death or incompetency, by their mother or legal guardian. If illegitimate, they may be bound by their mother during the lifetime of their putative father as well as after his decease. If they have no parent competent to act and no guardian, they may, with the approbation of the selectmen of the town where they reside, bind themselves. The power of a mother to bind her children shall cease upon her subsequent marriage, and shall not be exercised by herself or by her husband during the continuance of such marriage.

SECT. 3. Minors above the age of fourteen years may be bound in the same manner, but, when bound by their parent or guardian, the minor's consent shall be expressed in the indenture, and testified by his signing the same.

SECT. 4. A minor child who is, or either of

whose parents is, chargeable to a town as having a lawful settlement therein, or supported there at the expense of the Commonwealth, may, whether under or above the age of fourteen years, be so bound by the overseers of the poor, a female to the age of eighteen years, or to the time of her marriage within that age, and a male to the age of twenty-one years; and provision shall be made in the contract for teaching such minor to read, write, and cipher, and for such other instruction, benefit, and allowance, either within or at the end of the term, as the overseers may deem reasonable.

SECT. 5. No minor shall be bound as apprentice or servant unless by an indenture of two parts sealed and delivered by both parties; and where a minor is bound with the approbation of the selectmen, they shall certify such approbation in writing upon each part of the indenture.

SECT. 6. One part of the indenture shall be kept for the use of the minor by the parent or guardian executing it, and, when made with the approbation of the selectmen or by the overseers of the poor, shall be deposited with the town clerk, and safely kept in his office for the use of the minor.

Other sections provide that all considerations of money shall be for the sole use of the minor. Bond for \$200 to be given by parents and guardians, or public authorities, and by parties to whom

the child is bound. If there is no parent or guardian, the bond is to be deposited with the town clerk. Inquiries to be made into the treatment of children so bound by parents, guardians, selectmen or overseers. Parties neglecting such children to be punished. The death of the master discharges the minor.

Change of Name.

CHAPTER 148, SECTIONS 12 to 14, provide that applications for change of name may be heard and determined by probate courts in the counties where the parties reside.

Public notice of the application and change decreed shall be given. Judges make an annual return of all changes to the secretary of the Commonwealth.

Sales of Liquor to Minors.

[Pub. Stats., Chap. 100.]

SECT. 9. *Fourth condition of license.* That no sale or delivery of liquors shall be made on the premises described in the license to a person known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months next preceding, or to a minor, either for his own use, the use of his parent, or of any other person.

SECT. 24. Whoever by himself or his agent or servant, sells or gives intoxicating liquor to a minor, or allows a minor to loiter upon the premises where such sales are made, shall forfeit one hundred dollars for each offence, to be recovered by the parent or guardian of such minor in an action of tort.

SECT. 25. The husband, wife, parent, child, guardian, or employer of a person who has, or may hereafter have, the habit of drinking spirituous or intoxicating liquors to excess, may give notice in writing signed by him or her, to any person, requesting him not to sell or deliver such liquor to the person having such habit. If the person so notified at any time within twelve months thereafter sells or delivers any such liquor to the person having such habit, or permits such person to loiter on his premises, the person giving the notice may, in an action of tort, recover of the person notified such sum, not less than one hundred nor more than five hundred dollars, as may be assessed as damages.

SECT. 26. The delivery of intoxicating liquor
* * * * is *prima facie* evidence of sale.

SECT. 27. Ale, porter, strong beer, lager beer, cider, all wines, and any beverage containing more than three per cent. of alcohol, by volume, at sixty degrees Fahrenheit, as well as distilled spirits, shall be deemed to be intoxicating liquor within the meaning of this chapter.

No Liquor License within four hundred feet of a Public School.

[Acts of 1882, Chap. 220.]

SECT. 1. No license of the first, second or third class, under the provisions of chapter one hundred of the Public Statutes, shall be granted for the sale of intoxicating liquors in any building or place on the same street within four hundred feet of any building occupied in whole or in part by a public school.

Drunkenness.

[Pub. Stats., Chap. 207.]

SECT. 25. Whoever is found in a state of intoxication in a public place, or is found in any place in a state of intoxication, committing a breach of the peace, or disturbing others by noise, may be arrested without a warrant by a sheriff, deputy-sheriff, constable, watchman, or police officer, and kept in custody in some suitable place until he is so far recovered from his intoxication as to render it proper to carry him before a court or trial justice. The officer may then make a complaint against him for the crime of drunkenness.

SECT. 26. Whoever is guilty of drunkenness by the voluntary use of intoxicating liquors shall, if it is not proved that he or she has been convicted of a like offence once before within the next preced-

ing twelve months, be punished by fine not exceeding one dollar, and the costs of prosecution, or such portion thereof as the court or trial justice may determine; and, in case of non-payment of such fine and costs, may be committed to the jail, house of industry, or house of correction, or to the workhouse, if there is any which has a criminal department, in the town or city where the offence was committed, until the fine and costs are paid; not, however, exceeding ten days.

SECT. 27. If a male person is guilty of drunkenness, who has been convicted of a like offence once before within the next preceding twelve months, he may be punished by fine not exceeding five dollars and the costs of prosecution, or by imprisonment in the jail or in any place provided by law for common drunkards, not more than two months. And if such person has been convicted of a like offence twice within the next preceding twelve months, he may be punished by fine not exceeding ten dollars and the costs of prosecution, or by imprisonment in the jail or in any place provided by law for common drunkards, for not more than one year.

SECT. 28. If a woman is convicted of drunkenness who has been convicted thereof twice before within the next preceding twelve months, she may be punished by fine not exceeding ten dollars, or by imprisonment in the reformatory prison for women, not less than twelve months and not more

than two years, or by imprisonment in any place provided by law for common drunkards, not more than one year.

Injury by an Intoxicated Person.

[Pub. Stats., Chap. 100.]

SECT. 21. Every husband, wife, child, parent, guardian, employer, or other person, who is injured in person, property, or means of support by an intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or her own name, severally or jointly, against any person or persons who by selling or giving intoxicating liquor, have caused in whole or in part such intoxication. * * *

The section further provides that the owner, lessor or lessee of a building in which such liquor is sold is jointly liable for damages caused by such intoxication.

A married woman may bring such action in her own name, and all damages recovered by her shall inure to her separate use; and all damages recovered by a minor shall be paid to such minor, or to such person in trust for him, and on such terms, as the court may direct. * * *

Minors in Billiard Rooms, etc.

[Pub. Stats., Chap. 102.]

SECT. 113. The keeper of a billiard, pool or sippio room or table, or bowling-alley, who admits a minor thereto without the written consent of his parent or guardian, shall forfeit ten dollars for the first and twenty dollars for each subsequent offence.

Minors may be Excluded from Court, as Spectators.

[Pub. Stats., Chap. 160.]

SECT. 16. Any court or trial justice may exclude minors, as spectators, from the court-room during the trial of any cause, civil or criminal, when their presence is not necessary as witnesses or parties.

Employment of Children.

[Pub. Stats., Chap. 48.]

SECT. 1. No child under ten years of age shall be employed in any manufacturing, mechanical, or mercantile establishment in this Commonwealth; and any parent or guardian who permits such employment shall for such offence forfeit not less than twenty nor more than fifty dollars, for the use of the public schools of the city or town.

SECT. 2. No child under fourteen years of age shall be so employed, except during the vacations of the public schools, unless during the year next preceding such employment he has for at least twenty weeks attended some public or private day school under teachers approved under section two of chapter forty-seven by the school committee of the place where such school is kept, which time may be divided, so far as the arrangements of school terms will allow, into two terms, each of ten consecutive weeks; nor shall such employment continue, unless such child in each and every year attends school as herein provided; and no child shall be so employed who does not present a certificate, made by or under the direction of said school committee, of his compliance with the requirements of this section, *provided* that a regular attendance during the continuance of such employment in any school known as a half-time day school may be accepted by said school committee as a substitute for the attendance herein required.

SECT. 3. Every owner, superintendent, or overseer of any such establishment shall require and keep on file a certificate of the age and place of birth of every child under sixteen years of age employed therein, so long as such child is so employed, which certificate shall also state, in the case of a child under fourteen years, the amount of his school attendance during the year next preceding such employment.

SECT. 4. Every owner, superintendent, or overseer of any such establishment, who employs or permits to be employed any child in violation of either of the two preceding sections, and every parent or guardian who permits such employment, shall forfeit not less than twenty nor more than fifty dollars, for the use of the public schools of such city or town.

SECT. 5. The truant officers shall, at least once in every school term, and as often as the school committee require, visit the establishment described in section one in their several cities and towns, and inquire into the situation of the children employed therein, and ascertain whether the provisions of the four preceding sections are duly observed, and report all violations thereof to the school committee.

SECT. 6. The truant officers may demand the names of the children under sixteen years of age employed in such establishments in their several cities and towns, and may require that the certificates of age and school attendance prescribed in section three shall be produced for their inspection, and a failure to produce the same shall be prima facie evidence that the employment of such child is illegal.

SECT. 7. Every owner, superintendent, or overseer in any such establishment, who employs, or permits to be employed therein, a child under fourteen years of age who cannot read and write,

while the public schools in the city or town where such child lives are in session, and every parent or guardian who permits such employment, shall for every such offence forfeit not less than twenty nor more than fifty dollars, for the use of the public schools of such city or town.

[Pub. Stats., Chap. 74.]

SECT. 4. No minor under eighteen years of age and no woman shall be employed in laboring in any manufacturing establishment more than ten hours in any one day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed sixty in a week. Every employer shall post in a conspicuous place in every room where such persons are employed a printed notice stating the number of hours work required of them on each day of the week, and the employment of any such person for a longer time in any day than that so stated shall be deemed a violation of this section, unless it appears that such employment is to make up for time lost on some previous day of the same week in consequence of the stopping of machinery upon which such person was employed or dependent for employment.

SECT. 5. Penalty fifty to one hundred dollars.

Children in Public Exhibitions, etc.

[Pub. Stats., Chap. 48.]

SECT. 8. Any person who employs or exhibits, or who sells, apprentices, or gives away, for the purpose of employing or exhibiting, a child under fifteen years of age, in dancing, playing on musical instruments, singing, walking on a wire or rope, or riding and performing as a gymnast, contortionist, or acrobat, in any circus or theatrical exhibition, or in any public place whatsoever, or who causes, procures, or encourages any such child to engage therein, shall be punished by fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding six months:

Provided, that nothing in this section shall be construed to prevent the education of children in vocal and instrumental music, or their employment as musicians in any church, chapel, school, or school exhibition, or prevent their taking part in any concert or musical exhibition on the special written permission of the mayor and aldermen of any city, or the board of selectmen of any town.

SECT. 9. No license shall be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats, contortionists, or in any feats of gymnastics or equestrianism, or in which such children belonging to the public schools are employed, or

allowed to take part as performers on the stage in any capacity, or where, in the opinion of the board authorized to grant licenses, such children are employed in such a manner as to corrupt their morals or impair their physical health; but nothing herein contained shall prevent the giving of special permission as provided by the preceding section.

Impure Literature.

[Pub. Stats., Chap. 207.]

SECT. 15. Whoever imports, prints, publishes, sells, or distributes a book, pamphlet, ballad, printed paper, or other thing containing obscene, indecent, or impure language, manifestly tending to the corruption of the morals of youth, or an obscene, indecent, or impure print, picture, figure, or description, manifestly tending to the corruption of the morals of youth, or introduces into a family-school, or place of education, or buys, procures, receives, or has in his possession, any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of sale, exhibition, loan or circulation, or with intent to introduce the same into a family, school, or place of education, shall be punished by imprisonment in the state prison not exceeding five years, or by imprisonment in the jail not exceeding two years, and by fine not

exceeding one thousand dollars nor less than one hundred dollars.

SECT. 16. When a person is convicted under the preceding section and sentenced to pay a fine, one-half of the fine actually paid by such offender shall be paid to the person who informed and prosecuted such offender to conviction.

Dangerous Toys.

[Acts of 1882, Chap. 272.]

SECT. 1. The city council of any city, and the selectmen of any town, may adopt such rules and regulations as they may deem reasonable in relation to the sale or use, within the limits thereof, of toy pistols, toy cannon, and all other articles in which explosive compounds of any kind are used, or of which such compounds form a part, and may affix penalties for violation of such rules and regulations, not exceeding fifty dollars for any one offence.

(Such rules or regulations must be approved by the superior court, or in vacation, by a justice thereof.)

BOSTON'S ORDINANCE ON THIS SUBJECT.

SECT. 1. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge

or fixed ammunition of which any fulminate is a component part, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge or of any fulminate.

SECT. 2. Penalty ,fifty dollars

SECT. 3. In every license granted for the sale of gunpowder the above sections shall be inserted.

Protection of Operatives in Factories and Mercantile and Public Establishments.

CHAPTER 104, SECTIONS 13 to 21, as amended by Chapters 208 and 266, Acts of 1882, provides (1) that belting, shafting, gearing, and drums in factories so placed as to be dangerous to the employés, shall be securely guarded.

2. That openings of hoistways, hatchways, elevators, and well-holes shall have proper safeguards.

3. If three or more stories in height, if forty persons are employed therein, shall have tower stairways or fire-escapes on the outside, and every room above the second story in which five or more operatives are employed shall have more than one stairway.

4. Other provisions may be accepted by the inspectors, but women or children shall not be employed above the second story in a room from which there is only one way of egress.

5. Public buildings and tenement houses to have means of escape in case of fire.
6. Explosive or inflammable compounds not to be used so as to obstruct egress in case of fire.
7. All elevator cars to be provided with some device to hold cars in case of accident to hoisting machinery.
8. All main doors shall open outwardly.

Boston's Ordinance to Regulate the Construction, Management, and Inspection of Hoist-Ways and Elevators.

[Adopted July, 1882.]

SECT. 1. All hoist-ways and elevator shafts, except those constructed in dwelling-houses intended for not more than two families, shall be constructed of brick, the walls to be not less than eight inches thick, said walls to be carried up to and through the roof to a distance of not less than one foot and six inches above the same, said shafts to be covered with a ventilating skylight.

SECT. 2. In any building or store in which there shall exist or be placed any hoist-way, elevator, or well-hole, the openings thereof through or upon each floor of the said building shall be provided with or protected by a good and sufficient railing, and by good and sufficient trap-

doors, or such other mechanical devices as shall be equivalent to rails and trap-doors.

SECT. 3. In any building in which there may exist, or may hereafter be constructed, any hoist-way or elevator, such hoist-way or elevator shall be protected by some sufficient mechanical device to prevent the falling of the elevator when any accident happens to the ropes, pulleys, or other hoisting apparatus by which said elevator is raised and lowered.

SECT. 4. The openings from the different floors of the building into the shaft of any elevator hereafter constructed shall be closed with metallic-covered doors, hung to rebated iron frames, with iron thresholds to the same; said doors to be furnished with springs of sufficient strength to keep the doors closed when not in use. Passenger elevators may be exempt from the use of metallic-covered doors, provided that an equivalent protection against fire be substituted therefor.

SECT. 5. No hoist-way, elevator, or well-hole now existing or hereafter constructed in the city of Boston, shall be used or operated unless the same shall have been first inspected and approved by the inspector of buildings; provided, however, that the owner or lessee of the building containing said hoist-way, elevator, or well-hole, shall have until October 1, 1882, to obtain such inspection and approval.

Penalty, fifty dollars.

Seats for Female Employes.

[Acts of 1882, Chap. 150.]

AN ACT for the preservation of the health of Females employed in Manufacturing, Mechanical, and Mercantile Establishments.

SECT. 1. Every person or corporation employing females in any manufacturing, mechanical, or mercantile establishment in this Commonwealth shall provide suitable seats for the use of the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed. Penalty, ten to thirty dollars.

Illegitimate Children.

[Pub. Stats., Chap. 85.]

SECT. 1. When a woman who has been delivered of a bastard child, or is pregnant with a child which, if born alive, may be a bastard, makes a complaint to a police, district, or municipal court, or trial justice, and desires to institute a prosecution against the person whom she accuses of being the father of the child, the court or trial justice shall take her accusation and examination in writing, under oath, respecting the person accused, the time when and place where the complainant was begotten with child, and such other circumstances as the court or trial justice deems necessary for the discovery of the truth of

such accusation. The court or trial justice may issue a warrant against the person accused, returnable before the same or any other court or trial justice having jurisdiction thereof in the county. The warrant shall run throughout the state, and any officer to whom it is directed may serve it and apprehend the defendant in any county.

SECT. 2. If a woman entitled to make a complaint refuses or neglects so to do when requested by an overseer of the poor of the place where she resides or has her settlement, or one of the state board of health, lunacy and charity, or the superintendent of the state almshouse, or a person authorized by either of them to make the request, or either of her parents or her guardian, the person so requesting may make the complaint; and when already made, if she refuses or neglects to prosecute the same, either of said persons may prosecute the case to final judgment, for the benefit of the parent, guardian, city, town, or state.

SECT. 4. A person arrested upon such warrant may be released upon giving a bond with sufficient sureties, in not less than three hundred dollars, for his appearance before the court or trial justice having cognizance of the complaint, at a time to be specified in said bond.

SECT. 15. Upon the trial of the cause, the issue to the jury shall be, whether the defendant is guilty or not guilty; and if the jury find him guilty, or if he is defaulted, he shall be adjudged

by the court to be the father of such child, and shall stand charged with the maintenance thereof, with the assistance of the mother, in such manner as the court shall order; and shall give bond with sufficient sureties to perform said order, and also to indemnify and save harmless against all charges of maintenance her parents and any city or town or the state chargeable with the maintenance of such child; and he may be committed to prison until he give such bond; but if on the trial he is found not guilty, the court shall order that he be discharged, and the verdict in either case shall be final.

SECT. 16. The mother of the child shall be admitted as a witness in support of the complaint, and may be compelled to testify; but her admissions shall not be used against her in any criminal prosecution, except for perjury committed while so testifying. If, upon examination under section one, she accuses any man of being the father of such bastard child, and, being put upon the discovery of the truth respecting such accusation in the time of her travail, she accuses the same man of being the father of the child of which she is about to be delivered, and has continued constant in such accusation, the fact of such accusation in time of travail may be put in evidence upon the trial to corroborate her testimony.

SECT. 17. No complaint shall be withdrawn, dismissed, or settled by agreement of the mother

and the putative father, without the consent of the overseers of the poor of the city or town in which she has her settlement or residence, or of one of the other officers named in section two, or of her parent or guardian, unless provision is made, to the satisfaction of the court, to relieve and indemnify any parent, guardian, city, town, or the state, from all charges that have accrued or may accrue for the maintenance of the child, and for the costs of complaint and prosecution thereof.

SECT. 18. No settlement made by the mother and father, before or after complaint is made, shall relieve the father from liability to any city or town, or the state, for the support of a bastard child.

SECT. 19. Public officers named in section two may, with the consent of the mother or of her parent or guardian, compromise such complaint on receipt of a fixed sum, or security for the payment thereof, for the benefit of the city, town, or state, as the case may be, instead of prosecuting the same to final judgment.

SECT. 20. Whoever has been imprisoned ninety days for having failed to comply with an order of the court, as provided in this chapter, shall have the benefit of the laws for the relief of poor prisoners committed on execution: *provided* that he procures like notification of his intention to take the oath prescribed to poor debtors to be served upon the clerk of the city or town where the child of which he is the reputed father has its legal set-

tlement, if there is such place in this state, and also upon the complainant, if living, thirty days at least before the time appointed for taking the oath.

SECT. 21. The mother of such child, and said city or town, or the state, respectively, may at all times after the liberation of such prisoner, or taking said oath, recover by action of contract any sum of money which ought to have been paid to them respectively by him, in pursuance of such order of court.

Lying-in Hospitals.

[Pub. Stats., Chap. 80.]

SECT. 56. The selectmen of a town may license any person to establish or keep therein, a lying-in hospital, hospital ward, or other place, for the reception, care and treatment of women in labor, if the board of health shall first certify to the selectmen that the person applying for such license is, in its judgment, a suitable person, and that from its inspection and examination of such hospital, hospital ward, or other place aforesaid, the same is suitable and properly arranged and provided for such business.

SECT. 57. Such license shall continue in force for two years, subject, however, to revocation by the selectmen.

SECT. 58. Every such hospital, hospital ward,

or other place, shall be subject to visitation and inspection at any time by the board of health, the chief of police and the selectmen; and if it receives in a year more than six women as patients in labor, it shall also be subject to like visitation and inspection by the state board of health, lunacy and charity.

SECT. 59. Penalty for keeping such a hospital without license, five hundred dollars, one-half to the complainant, one-half to the town. For a second offence, imprisonment not exceeding two years.

Attendance at School.

[Pub. Stats., Chap. 47.]

SECT. 1. Every person having under his control a child between the ages of eight and fourteen years, shall annually cause such child to attend for at least twenty weeks some public day school in the city or town in which he resides, which time shall be divided so far as the arrangement of school terms will allow into two terms, each of ten consecutive weeks; and for every neglect of such duty the person offending shall forfeit to the use of the public schools of such city or town a sum not exceeding twenty dollars; but if the person so neglecting was not able, by means of poverty, to send such child to school, or if such child has attended for a like period of time a private day school approved by the school

committee of such city or town, or is regularly attending a public or private day school known as a half-time school, also approved by them, or if such child has been otherwise furnished for a like period of time with the means of education, or has already acquired the branches of learning taught in the public schools, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable, such penalty shall not be incurred.

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SECT. 4. All children within the Commonwealth may attend the public schools in the place in which they have their legal residence, subject to the regulations prescribed by law.

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SECT. 6. Children living remote from any public school in the town in which they reside, may be allowed to attend the public schools in an adjoining town, under such regulations and on such terms as the school committees of the said towns agree upon and prescribe; and the school committee of the town in which such children reside shall pay the sum agreed upon out of the appropriations of money raised in said town for the support of schools.

SECT. 7. Any minor under guardianship, whose father has died, may attend the public schools of the city or town of which his guardian is an inhabitant.

SECT. 8. Children may, with the consent of the school committee first obtained, attend school in cities and towns other than those in which their parents or guardians reside; but when a child resides in a city or town different from that of the residence of the parent or guardian for the sole purpose of attending school there, the parent or guardian of such child shall be liable to pay such city or town, for tuition, a sum equal to the average expense per scholar for such school for the period during which the child so attends.

SECT. 9. The school committee shall not allow a child who has not been duly vaccinated to be admitted to or connected with the public schools.

SECT. 10. No person shall be excluded from a public school on account of the race, color, or religious opinions of the applicant or scholar.

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SECT. 12. A child unlawfully excluded from a public school may recover damages therefor in an action of tort, to be brought in the name of such child by the guardian or next friend, against the city or town by which such school is supported.

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CHAPTER 207, SECTION 23, prescribes a penalty for disturbing a school.

School-books.

[Pub. Stats., Chap. 44.]

SECT. 37. If a scholar is not furnished by his parent, master, or guardian with the requisite books, he shall be supplied therewith by the school committee at the expense of the town.

Evening Schools.

CHAPTER 44, SECTION 12, provides for the establishment of evening schools.

Education of Deaf Mutes.

[Pub. Stats., Chap. 41.]

SECT. 16. With the approval of the board (of education) the governor may send such deaf mutes or deaf children as he may deem fit subjects for education at the expense of the Commonwealth, for a term not exceeding ten years in the case of any pupil, to the American Asylum at Hartford, or to the Clarke Institute for Deaf Mutes at Northampton, or to any other school for deaf mutes in the Commonwealth, as the parents or guardians may prefer. No such pupil shall be withdrawn from such institution or school, except with the consent of the proper authorities thereof, or of the governor; and the sums necessary for the instruction and support of such pupils shall be paid by the Commonwealth.

Idiotic Children.

CHAPTER 87, SECTION 56, provides for the free education of thirty idiotic persons, to be designated by the governor.

CHAPTER 86, SECTION 28, provides for sending idiotic persons having no settlement to the State almshouse.

Insane.

CHAPTER 87, SECTIONS 11 to 30, provide for committals to insane hospitals.

Vaccination.

[Pub. Stats., Chap. 80.]

SECT. 51. Parents and guardians shall cause their children and wards to be vaccinated before they attain the age of two years, and re-vaccinated when the selectmen or mayor and aldermen shall, after five years from the last vaccination, require it. For every year's neglect, the party offending shall forfeit five dollars.

Care of Pauper Children.

[Pub. Stats., Chap. 84.]

SECT. 2. The overseers of the poor shall have the care and oversight of all (such) poor and in-

digent persons so long as they remain at the charge of their respective cities or towns, and shall see that they are suitably relieved, supported, and employed, either in the workhouse or almshouse, or in such manner as the city or town directs, or otherwise at the discretion of said overseers. *They may remove to the almshouse such children as are suffering destitution from extreme neglect of dissolute or intemperate parents or guardians, except as hereinafter provided.*

SECT. 3. In every city, said overseers shall place every pauper child in their charge, and over four years of age, in some respectable family in the state, or in some asylum therein, to be supported there by the city, according to the laws relating to the support of the poor, until they can be otherwise cared for. And the overseers shall visit such children, personally or by agent, at least once in three months, and make all needful inquiries as to their treatment or welfare.

SECT. 4. No such child, who can be cared for as above directed, without inordinate expense, shall be retained in an almshouse, unless he is a state pauper, or idiotic, or otherwise so defective in body or mind as to make his retention in an almshouse desirable, or unless he is under the age of eight years, and his mother is an inmate thereof, and is a suitable person to aid in taking care of him.

SECT. 6. The kindred of such poor persons, in

the line or degree of father or grandfather, mother or grandmother, children or grandchildren, by consanguinity, living in this state and of sufficient ability, shall be bound to support such paupers, in proportion to their respective ability.

SECT. 21. The overseers of the poor of a city or town, and the superintendent and board of trustees of the state almshouse, may place deserted and destitute infants in the care of the Massachusetts Infant Asylum, and such sum as may be agreed upon shall be paid for the temporary support of such infants; but such overseers and the state board of health, lunacy and charity shall use all reasonable care to collect the cost of such temporary support from parties justly chargeable with the same, when they can be ascertained, and to remove those infants not born, or not having a settlement in this state.

SECT. 22. When town, city, or state officers charged with the custody of destitute children delegate to an incorporated charitable institution the custody of an infant less than four years of age, such institution shall be held to comply with all the provisions of law, and be subject to all the restrictions concerning such infant that may be required by law of the officers so delegating the trust.

SECT. 23. When an infant lawfully in the custody of a charitable institution as aforesaid has

been wilfully deserted and abandoned for more than four months by its parents or natural guardians, the officers of such institution may procure any suitable person in this Commonwealth to take and support such child for such time as may be specified in a written agreement made for that purpose, not exceeding the time when the child shall be fourteen years old. The form and conditions of such agreement shall be prescribed by the state board, and the agreement, with a descriptive list of the origin, name, age, and person of the infant, so far as known, and the name, residence, and recommendations of the person taking the child, shall be returned to the state board in such form as it may prescribe. All such children shall be subject to the visitation and control provided by law for children put out or apprenticed from state institutions; but nothing herein contained shall diminish the legal rights of parents, guardians, and next of kin. (For other matters concerning paupers, not with especial reference to children, see same chapter.)

SECT. 24. Overseers of the poor shall not remove a minor under their control beyond the limits of the Commonwealth, nor allow such removal, without the approval of the judge of the probate court, granted upon application and after due notice to all parties interested, and a hearing; unless such minor has a settlement in another state. Nor shall they withhold information con-

cerning the maintenance of such minor from any person entitled to receive the same.

SECTION 38 requires overseers of the poor to make returns in January and July in each year to the State board, concerning all minor children above the age of four years, who are supported at the expense of such city or town.

CHAPTER 79, SECTION 11, authorizes transfer of children from the State almshouse to the State primary school.

[Pub. Stats., Chap. 86.]

SECT. 15. The trustees (of the state almshouse) shall have the same power to bind, as apprentices, minors who are inmates of the (state) almshouse, and to cause the inmates thereof to be returned to the place or country from which they came, as is vested in overseers of the poor.

[Acts of 1832, Chap. 181.]

SECT. 2. The state board of health, lunacy and charity shall make all necessary provision for the care and maintenance of all poor and indigent children in need of immediate relief, between the ages of three and sixteen years, having no lawful settlement in this Commonwealth, at the state primary school or elsewhere, and for that purpose shall have the same authority to commit such children to the state primary school as overseers of the poor now have to commit them to the state almshouse.

Settlement of Paupers.

[Pub. Stats., Chap. 83, Sect. 1.]

First. A married woman shall follow and have the settlement of her husband, if he has any within the State; otherwise, her own at the time of marriage, if she then had any, shall not be lost or suspended by the marriage.

Second. Legitimate children shall follow and have the settlement of their father, if he has any within the state, until they gain a settlement of their own; but, if he has none, they shall in like manner follow and have the settlement of their mother, if she has any.

Third. Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she then has any within the state; but neither legitimate nor illegitimate children shall gain a settlement by birth in the place where they are born, if neither of their parents then has a settlement therein.

Fourth. Any person of the age of twenty-one years, having an estate of inheritance or freehold in any place within the state, and living on the same three years successively, shall thereby gain a settlement in such place.

Fifth. Any person of the age of twenty-one years, who resides in any place within this state for five years together, and pays all state, county, city, or town taxes, duly assessed on his poll or

estate, for any three years within that time, shall thereby gain a settlement in such place.

Sixth. Any woman of the age of twenty-one years, who resides in any place within this state for five years together, shall thereby gain a settlement in such place.

Seven'h. The provisions of the preceding clause shall apply to married women who have not a settlement derived by marriage under the provisions of the first clause, and to widows; and a settlement thereunder shall be deemed to have been gained by an unsettled woman upon the completion of the term of residence therein mentioned, although the whole or a part of such term has already elapsed.

Subsequent provisions give a settlement to town officers, settled ministers and apprentices on certain conditions. Also a soldier or sailor who served in late war, under certain limitations.

SECTION 2 provides that one cannot gain a settlement while receiving relief as a pauper.

SECTIONS 3, 4, 5, 6 make other conditions in regard to settlement.

Children's Rights to Property.

CHAPTER 125, SECTION 1, and CHAPTER 128, provide for the descent of property of intestates. (Amended by Chapter 141, Acts of 1882.)

[Pub. Stats., Chap. 125.]

SECT. 3. An illegitimate child shall be heir of his mother and of any maternal ancestor, and the lawful issue of an illegitimate person shall represent such person and take by descent any estate which such person would have taken if living.

SECT. 4. If an illegitimate child dies intestate and without issue who may lawfully inherit his estate, such estate shall descend to his mother. (Amended by Chapter 132, Acts of 1882, by adding) "or in case she is not living, to the persons who would have been entitled thereto by inheritance through his mother if he had been a legitimate child."

SECT. 5. An illegitimate child, whose parents have intermarried, and whose father has acknowledged him as his child, shall be considered legitimate.

CHAPTERS 127 and 135 provide for rights of children under a will.

EXEMPT FROM TAXATION.

The property of a minor whose father is deceased, is exempt to the amount of five hundred dollars, if the whole estate, real and personal, does not exceed in value one thousand dollars. Chap. 11, Sect. 5.

Truants.

[Pub. Stats., Chap. 48.]

SECT. 10. Each town shall make all needful provisions and arrangements concerning habitual truants and children between seven and fifteen years of age who may be found wandering about in the streets or public places therein, having no lawful occupation or business, not attending school, and growing up in ignorance; and shall make such by-laws as shall be most conducive to the welfare of such children, and to the good order of such town; and shall provide suitable places for the confinement, discipline, and instruction of such children.

(Such by-laws must be approved by the judges of the superior or probate court)

SECT. 12. Any minor convicted under a by-law made under section ten of being an habitual truant, or of wandering about in the streets and public places of a city or town, having no lawful employment or business, not attending school, and growing up in ignorance, shall be committed to any institution of instruction or suitable situation provided for the purpose, under the authority of said section or by-law, for a term not exceeding two years.

SECT. 13. Police, district, or municipal courts, trial justices, and judges of probate courts, shall have jurisdiction, within their respective counties,

of the offences described in sections ten and twelve.

SECT. 14. Provides for the establishment of Union Truant schools by three or more towns.

SECT. 15. A town may assign any such truant school (see Sect. 14), or, with the assent of the state board of health, lunacy and charity, the state primary school, as the place of confinement, discipline, and instruction of children so convicted; and shall pay for their support therein such sum, not exceeding two dollars a week for each child, as the county commissioners or the trustees of the state primary and reform schools respectively shall determine.

Section 16 provides for the discharge of truants from the State primary school.

Vagrants, Idlers, Beggars, Pickpockets,
etc.

[Pub. Stats., Chap. 207.]

SECT. 29. Rogues and vagabonds, persons who use any juggling or unlawful games or plays, common pipers and fiddlers, stubborn children, runaways, common drunkards, common night-walkers both male and female, pilferers, lewd, wanton, and lascivious persons in speech or behavior, common railers and brawlers, persons who neglect their calling or employment, mis-

spend what they earn, and do not provide for themselves or for the support of their families and all other idle and disorderly persons, including therein those persons who neglect all lawful business, and habitually misspend their time by frequenting houses of ill-fame, gaming-houses or tippling-shops, may be committed for a term not exceeding six months, to the house of correction, or to the house of industry or workhouse within the city or town where the conviction is had, or to the workhouse, if any there is, in the city or town in which the offender has a legal settlement, if such a town is within the county. A female offender under this section may, in the discretion of the court, be committed to the reformatory prison for women for a term not exceeding two years.

SECT. 30. A person convicted by a trial justice, or police, district, or municipal court, of any offence mentioned in the preceding section, may, instead of the punishment therein mentioned, be punished by a fine not exceeding twenty dollars, either with or without a condition, that, if the same with the costs of prosecution is not paid within a time specified, he or she shall be punished as is provided in the preceding section; which conditional sentence shall be carried into execution according to the provisions of section seven of chapter two hundred and fifteen.

Sections 35 to 40 refer to the use of profane or

obscene language, tramps, night-walkers vagrants, beggars, etc.

SECT. 42. All idle persons, who, not having visible means of support, live without lawful employment; all persons wandering abroad and visiting tippling-shops or houses of ill-fame, or lodging in groceries, out-houses, market-places, sheds, barns, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages, or other public places, to beg or receive alms, and not coming within the description of tramps as contained in section thirty-eight, shall be deemed vagrants, and shall be punished by imprisonment not exceeding six months in the house of correction, or of industry or workhouse.

SECT. 44. A person known to be a pickpocket, thief, or burglar, and having no visible or lawful means of support, when found prowling around any steamboat landing, railroad depot, banking institution, broker's office, place of public amusement, auction-room, store, shop, crowded thoroughfare, car or omnibus, or at any public gathering or assembly, shall be deemed a vagabond, and shall be punished by imprisonment in the house of correction for not less than four nor more than twelve months.

Houses of Reformation for Juvenile Offenders.

CHAPTER 220, SECTION 18, authorizes county commissioners to establish houses of reformation for offenders under sixteen.

SECTION 19 provides that any city or town in such county, may assign such house of reformation as the institution to which truants or others convicted of offences named in Section 12, Chapter 48 (see Truants, page 67) may be sent.

Juvenile Offenders.

[Pub. Stats., Chap. 89.]

SECT. 15. Boys may be committed to the reform school from the county of Suffolk by municipal and police courts, and trial justices, and from other counties by judges of probate courts, and by police and district courts and trial justices; and girls may in like manner be committed to the industrial school by the above mentioned courts and justices, and in other counties than Suffolk, by commissioners.

SECT. 16. Judges of the probate courts, except in Suffolk county, may receive complaints, issue warrants, and hear cases against juvenile offenders at such times or places, in or out of their respective counties, as convenience may require. And any judge of a probate court may act in any

case for the judge of any other county, whether absent or not, when so requested.

SECT. 17 provides for the appointment of commissioners by the governor upon request of the mayor and aldermen, selectmen, or overseers of the poor, to hear and determine complaints against girls, and make commitments to the industrial school.

SECT. 18. Upon complaint so made to any such court or magistrate against any boy or girl between the ages of seven and seventeen years, for any offence not punishable by death or imprisonment for life, such court or magistrate shall examine on oath the complainant and the witnesses produced by him; shall reduce the complaint to writing, and cause it to be subscribed by the complainant, and may issue a warrant (or summons, see Chap. 212, page 79 of this manual) reciting the substance of this accusation, and requiring the officer to whom it is directed forthwith to take the person accused and bring him or her before said court or magistrate, to be dealt with according to law; and to summon such witnesses as shall be named therein to appear and give evidence on the examination.

SECT. 19. Police, district and municipal courts shall try juvenile offenders separate and apart from the trial of other criminal cases, at suitable times to be designated therefor by said courts, to be called the session for juvenile offenders, of

which session a separate docket and record shall be kept.

SECT. 20. When any such boy or girl is so brought on such complaint before such court or magistrate, a summons shall be issued to the father of the boy or girl, if living and resident within the place where the boy or girl was found, and, if not, then to the mother if she is living and so resident; and, if there is no such father or mother, then to the lawful guardian, if there is one so resident; if not, then to the person with whom, according to the statement of such boy or girl, and such testimony as shall be received, he or she resides; and if there is no such person, the court or magistrate may appoint some suitable person to act in behalf of such boy or girl, requiring him or her to appear at a time and place stated in the summons, and show cause, if any there is, why such boy or girl should not be committed to the reform school or industrial school respectively; and shall cause written notice of the pendency of such complaint to be given by mail or otherwise to the state board, which shall have an opportunity to investigate the case, attend the trial, and protect the interests of, or otherwise provide for, the child; and shall also, in the case of a complaint against a boy, cause notice to be given to the mayor of the city, or to one of the selectmen of the town, where the boy resides.

SECT. 21. Such boy or girl arrested on any

complaint referred to in the preceding sections, may be held or committed to jail (if over twelve years of age see Chap. 127, Acts of 1882, page 78 of this manual) by the officer having said child in custody, unless admitted to bail. . . .

SECT. 22. The court or magistrate before whom such boy or girl is brought on any complaint aforesaid, upon request of the state board, may authorize said board to take and indenture, or place in charge of any person, or in the state primary school, or, if he or she prove unmanageable, to commit to the reform or industrial school, such boy or girl, till he or she attains the age of twenty-one years, or for any less time. And said board may provide for the maintenance of any such boy or girl so indentured or placed in charge of a person, in whole or in part, at a cost to the state not exceeding the average cost of the support of children at the state primary school.

SECTIONS 23 and 24 give form of commitment.

SECT. 25. When a girl is brought before such court or magistrate upon complaint that she is leading an idle, vagrant, or vicious life, or has been found in any street, highway, or public place, in circumstances of want and suffering, or of neglect, exposure, abandonment, or beggary, the like proceedings shall be had as are provided in sections twenty to twenty-three inclusive, and she may be committed to the industrial school as therein provided.

SECT. 26. If a boy or girl previously committed to the reform or industrial school is again brought before such court or magistrate upon any such complaint, the case may be examined and a warrant issued for a recommitment of such boy or girl, without issuing the summons required by section twenty.

SECT. 27. If any boy or girl found guilty before a police, district, or municipal court, or trial justice, is not deemed a fit subject for the state reform or industrial school, such boy or girl shall be sentenced or bound over to appear before the superior court according to the usual course of criminal proceedings.

SECT. 28. When a boy is convicted by a judge of the probate court of any offence not punishable by a capital or infamous punishment, unless disposed of as provided in section twenty-two, he may be sentenced and committed to the reform school or any institution established by authority of law for the reformation of juvenile offenders, or, in the discretion of the judge, to such other punishment as is provided for the offence.

SECT. 29. When a girl is convicted by a judge of the probate court of any offence not punishable by a capital or infamous punishment, unless disposed of as provided in section twenty-two, she may be sentenced and committed to the industrial school, in like manner and subject to the same provisions of law as now apply to girls committed

to said school, or, in the discretion of the judge, to such other punishment as is provided for the offence.

SECTIONS 49 to 56 describe powers and duties of the State board of health, lunacy and charity.

SECTION 52 provides for a record by the judge.

SECTION 57 authorizes aid to destitute and deserving girls having left the industrial school.

Other sections define matters of appeal, summonses, fees, duties of trustees, notices to overseers of poor, indenturing, and penalty for cruelty of masters, etc., etc.

CHAPTER 79, SECTION 10, provides for transfer by State board of health, lunacy and charity, of incorrigible children from the State primary, reform, or industrial schools to the State workhouse.

[Pub. Stats., Chap. 155.]

SECT. 49. Trial justices have jurisdiction in case of juvenile offenders under seventeen.

CHAPTER 215, SECTION 17, provides that boys under sixteen years cannot be sent to State prison, but to jail instead.

SECT. 18. No person under the age of ten years shall be sentenced to a jail or a house of correction except for non-payment of fine, or fine and costs.

CHAPTER 220, SECTION 38, provides that minors in jails and houses of correction shall be kept separate from notorious offenders and those convicted of any infamous crime.

State Primary School.

[Pub. Stats., Chap. 89.]

SECT. 4. Dependent and neglected children, having no settlement within the Commonwealth, shall be received as pupils in the primary school, and shall be maintained, taught, exercised, and employed as their health and condition shall require; but they shall not be designated as paupers.

SECT. 5. No child above the age of sixteen years shall be received or retained in the primary school, except by special vote of the state board of health, lunacy and charity, on the representation of the superintendent that there are urgent reasons for such admission or retention; but the superintendent, trustees, and other officers shall use all diligence to provide suitable places in good families for all such pupils as have received an elementary education; and any other pupils may be placed in good families, on condition that their education shall be provided for in the public schools of the town or city where they may reside.

SECT. 6. The trustees may place in charge of suitable persons any of the children of the primary school, the power of visitation and final discharge remaining with the state board; and may provide for the maintenance of any child so placed.

SECTION 7 provides for the transfer of children from the State industrial and reform schools to the State primary school.

Children under Twelve not to be Committed to Jail.

[Acts of 1882, Chap. 127.]

SECT. 1. No court or magistrate shall commit any child under twelve years of age to a jail or house of correction, to the house of industry of the city of Boston, or to the state workhouse, in default of bail, for non-payment of fine or costs, or both, or for punishment for any offence not punishable by imprisonment for life, of which said child may have been adjudged guilty.

SECT. 2. Whenever any child under twelve years of age is held by any court or magistrate for examination or trial, and said child is unable to furnish bail for such examination or trial, such court or magistrate shall commit said child to the custody of the state board of health, lunacy and charity; and said board is authorized to make all proper provisions for the safe keeping of said child, and for his presence at the examination or trial for which he is held, at the time and place named in the mittimus.

SECT. 3. When a complaint is made to any court or magistrate, of any offence not punishable

by imprisonment for life, committed by a child under twelve years of age, such court or magistrate, if an examination is deemed necessary, shall, in the first instance, issue a summons to said child requiring his presence before such court or magistrate at the time and place named in said summons; and if said child fails then and there to appear as directed in said summons, such court or magistrate shall then issue a warrant for the arrest of said child.

SECT. 4. The provisions of this act shall not apply to either of the offences mentioned in section ten of chapter forty-eight of the Public Statutes. (Truants and absentees from school. See page 67 of this manual.)

Summons Instead of Warrant for Arrest.

[NOTE.—Among the offences of which trial justices have jurisdiction are those committed by juvenile offenders, under seventeen, except felonies punishable by imprisonment for life.]

[Pub. Stats., Chap. 212.]

SECT. 16. Upon a complaint for a criminal offence of a class within the jurisdiction of trial justices, a summons shall issue instead of a warrant for arrest, if in the judgment of the court, or magistrate receiving the complaint there is no reason to suspect that the accused will evade.

SECT. 17. The summons shall fix a day and hour of appearance for trial, and shall be served by an officer empowered to serve criminal process, by giving to the accused in hand or leaving at his last and usual place of abode an attested copy, not less than twenty-four hours before the return hour.

SECT. 18. If a defendant so summoned fails, without a reasonable excuse, to appear and abide the orders of the court or magistrate, such failure shall be considered a contempt of court, and may be punished by fine not exceeding twenty dollars. A warrant may issue at any time after the issue of such summons, if occasion arises, whether the summons has been served or not.

SECT. 19. If a defendant so summoned duly appears, he may be ordered to recognize for further appearance, but he shall not be required to give surety upon his recognizance at any stage of the prosecution without a special order.

Woman with Nursing Infant Convicted.

[Pub. Stats., Chap. 215.]

SECT. 16. When a woman with a nursing infant is convicted of an offence punishable by imprisonment in the house of correction, the court or justice before whom the conviction takes place may sentence her to some workhouse

or house of industry in the county; and for her support and custody two dollars a week shall be paid from the county treasury to the town in which the sentence is executed.

No Credit to Students.

[Pub. Stats., Chap. 102.]

SECT. 21. No innholder, tavern-keeper, retailer, confectioner, or keeper of a shop or house for the sale of drink or food, or a livery-stable keeper, for horse or carriage hire, shall give credit to a student in an incorporated academy or educational institution within this state.

Penalty, twice the amount credited.

Sundry Subjects.

Homestead rights of minor children, Chap. 123, Sects. 8, 9, 10.

Marriage of minors, male under twenty-one, female under eighteen, forbidden without consent of parents or guardian, Chap. 145, Sects. 8 and 18.

Marriage of minors void in certain cases, Chap. 145, Sects. 12 to 15.

Divorce, Chap. 146. Care and custody of children, Sects. 11, 23, 29 to 39.

Parents living apart, care and custody of minor children, Chap. 147, Sects. 33, 36.

Rights of married women, Chap. 147, Sects. 1 to 11.

Habeas corpus, Chap. 185.

Kidnapping, Chap. 202, Sect 30.

Incest, Chap. 207, Sect. 7.

Lotteries, Chap. 209.

Probation officers, appointment of, Chap. 212, Sects. 74 to 81.

Probation, release upon, Chap. 220, Sects. 20, 21, and 66 to 71.

Alien passengers, Chap. 86.

State paupers and State almshouse, Chap. 86.

Massachusetts infant asylum, special statutes, Chap. 86, Sects. 44, 46.

Enticing unmarried females under sixteen, for the purpose of clandestine marriage or for prostitution, Chap 207, Sects. 1 and 2.

Conditional sentences may be imposed, Chap. 215, Sects. 6, 7, and 8.

Husband convicted of an assault upon his wife may in addition to, or in lieu of, penalties, be ordered to give bonds with sureties to keep the peace for not more than two years.

How to Preserve the Health of Children.

The Boston Board of Health have issued the annexed circular, and we think our manual a proper place for it; hoping thereby to prevent much unnecessary suffering which comes from want of knowledge on the part of parents and guardians.

RULES FOR THE MANAGEMENT OF INFANTS.

Cleanliness. — An infant should be bathed every morning in warm water. The head should be washed as well as the rest of the body. If it is feeble, or if the weather is unusually hot, it should also be bathed again, before being put to bed at night. After washing, the body should be wiped thoroughly dry. As the child grows older the temperature of the water should be gradually lowered, so that, by the time the baby is four months of age, water should be used to which only warm water enough has been added to take the chill off. Let the diapers be frequently changed, and have them always washed in boiling water before being used a second time. If possible, never have the diapers dried in the room occupied by the baby.

Fresh Air. — Give the child all the fresh air possible. Keep the windows of the room open day and night in hot weather, unless the heat of the outside atmosphere is greater than that within the room. Avoid as much as possible any overcrowding of the room occupied by the baby, especially at night. Have the baby taken out every day when the weather is fine. Do not keep the child in the same room in which cooking or washing is going on.

Clothing. — The clothing of a baby should be light, loose, and warm. Except during the summer months the arms and legs should be covered. A flannel swathe should

be worn in the summer as well as in the winter. Have the night-dress thoroughly aired during the day, and the day-clothes aired during the night. Use only safety-pins. Do not keep the child's head heated by any covering, except when out-doors or when exposed to unusual cold. In summer never allow the child to be exposed to the direct rays of the sun.

Sleep. — Every baby requires considerable sleep. Never wake a sleeping child. It should never be allowed to sleep in the same bed with any other person. Regularity in reference to its hours of sleep is as necessary as for its times of feeding. At those hours it should be put in its bed, where it should be left to go to sleep, unaided by any rocking. A child very quickly acquires the habit of going to sleep on being put to bed. Wherever placed in the room, the head of the cradle should be towards the window, so that the eyes may be protected as much as possible from the light.

Diet. — As a rule, until a child has its eight centre teeth it should receive no food that does not consist entirely or mainly of milk. Breast-milk is better than cow's milk. Observe regular hours for feeding. When overheated or fatigued never nurse a child. Until the child is six weeks old feed it at intervals of between two and three hours during the day, and every three hours during night. After this gradually lengthen the intervals between the meals, so that, by the time the baby is four months old, it shall be fed every four hours during the day, and if necessary once during the night. Do not consider that every time a child cries it is necessarily hungry. In hot weather, or if the child is feverish, allow it to drink freely of cold water. If the mother has not breast-milk sufficient for the child let the child be fed twice a day with the bottle. A flat bottle, its open mouth covered with a black rubber nipple, is all that is required. Complicated nursing-bottles should never

be used, owing to the difficulty which will be found in keeping them properly cleaned. At first equal parts of milk and warm water should be used, with the addition of half a teaspoonful of sugar, if the child will not take it without. The quantity of food thus prepared for a meal should not at first exceed a sixth of a pint. As the child grows older the amount of water added should be lessened, and the sugar should be altogether omitted. By the time the child is four months old it should have pure milk, which in very hot weather need not be warmed. Immediately after using the bottle, always scald it thoroughly. The rubber nipple should be kept always in cold water when not in use. In very hot weather a little soda should be added to the water with which the bottle is washed, and also to that in which the nipple is kept. The best milk is obtained by allowing the can to stand about an hour after receiving it, and then pouring off for use the upper two-thirds. In very hot weather the milk which has thus been poured off should be at once boiled. It is also well to add, during the extreme heat of the summer, especially if the child is at all troubled with the diarrhoea or vomiting, a teaspoonful of lime-water to each two teaspoonfuls of milk. If the child is to be brought up by hand, it should be fed with the bottle, as described above, and at the same times as if nursed. If pure milk cannot be obtained, condensed milk may be tried. It should always be kept in a cool place, and is best prepared by adding one teaspoonful of milk to six tablespoonfuls of boiling water. As the child grows, the strength of the mixture should be increased. All prepared varieties of so-called infants' food are to be avoided, unless especially ordered by a physician. There is no proper substitute for milk.

Weaning. — As soon as the centre teeth have come, the child should have in addition to its milk one or two other meals a day. These should consist *only* of bread, either

fresh or stale, or crackers with the milk. (Too fresh bread should never be used.) Gradually the mother's milk should be withdrawn from the child, so that it should be completely weaned by the ninth month, unless that period should happen to fall in the midsummer. Milk should still be its main diet. After the child is ten months old, it may have one meal a day of simple broth (mutton or chicken), or beef tea with bread. When the child is a year old it may have daily a little meat, cooked rare, and cut up fine. The yolk of a fresh rare-boiled egg may also be given daily. Even at that age, however, milk should be freely given, and should form the main part of its diet.

General Advice.—Have the child properly vaccinated as early as possible. Never urge a child to walk. Nature is the best guide, and when the limbs are strong enough to bear the weight of the body, the child will try to walk itself. Never, under any circumstances, except by medical advice, give a child soothing-syrups, sleeping-drops, cordials, spirits, or any of the so-called carminatives. If a child is suddenly taken sick with vomiting and diarrhoea, send immediately for the doctor. Until he arrives give no medicine; but, if the child seems in pain, wring out flannels in hot water and place them over the belly. Keep the child's body, arms, and legs warm. Keep cool, and do not give the child the various things which will be suggested by the neighbors. To make lime-water, put half a pound of quick-lime into an earthen vessel, pour over it slowly a gallon of cold water, stir it well and allow it to stand twenty-four hours; then skim it and pour off the clear liquid into clean bottles, which should subsequently be well corked.

MANAGEMENT OF CHILDREN OVER TWO YEARS OF AGE.

Regularity as to the hours of eating and sleeping should be insisted upon for children after, as well as before, they

are weaned. Children should be bathed frequently, and should be allowed plenty of fresh air and exercise. The sleeping apartment should always be well ventilated. Each child should have its own bed if possible. Plenty of good, substantial food should be given, and children should not be allowed to eat confectionery, cake, pies, or any similar articles. Unripe or over-ripe fruit should be forbidden. Tea and coffee should not be given to them. Exposure to sudden changes of heat and cold, to wet and dampness, or to the direct rays of the summer's sun without proper protection, should be avoided at all times. In the colder months of the year flannel should always be worn next to the skin, at least over the child's chest.

Organizations which Relieve and Care for Children.

(Institutions caring for women are included, as directly or indirectly relieving children. For other charitable and humane institutions, see Directory of Associated Charities, or Boston Directory.)

The State Board of Health, Lunacy, and Charity: Office, State House. Has general supervision over all the State reformatory institutions; cares for foundlings and destitute children having no settlement in the State.

The City Temporary Home, Chardon Street. Gives temporary shelter and home to needy women and children. Boston foundlings are brought here

Marcella Street Home, Marcella Street, Roxbury. City institution. Cares for and educates neglected children sentenced by Municipal and District Courts, and pauper boys admitted by permit of the Directors of Public Institutions.

Boston North End Mission, 201 North Street. Maintains a nursery for homeless children from 2 to 5 years of age; receives penitent women. Baths, lodgings, and meals, from 5 to 10 cents each..

The Children's Mission to the Children of the Destitute in the City of Boston, 277 Tremont Street.

Orphan, destitute, and homeless children are aided. Admits to its home children between 5 and 15.

Temporary Home for the Destitute, 1 Pine Place. Brings children who have no homes to good homes which have no children.

• *Baldwin Place Home for Little Wanderers*. Receives all children legally given up, who are sound in body and mind, except babes whose mothers are living.

Church Home for Orphans and Destitute Children, corner Broadway, N, and Fourth Streets, South Boston. Takes care of orphan and destitute children surrendered for not less than one year, or for less time on payment of board. Girls from 4 to 8; boys from 4 to 6.

Boston Children's Friend Society, 48 Rutland Street. Provides a home for destitute Protestant children. Boys admitted as boarders from $1\frac{1}{2}$ to 5; girls from $1\frac{1}{2}$ to 12, on surrender or as boarders.

Nickerson Home for Children, 14 Tyler Street. Children between 3 and 10 years are cared for.

Boston Children's Aid Society. Home for boys at Pine Farm, West Newton.

Liversidge Institute of Industry for Orphan Boys, River Street, Mattapan.

Industrial School for Girls, Centre Street, Dorchester. Trains to good conduct girls 6 to 10, not cared for by relatives.

School for Pauper Girls, Marcella Street Home.

Harrison Avenue Home. (By an Association for

the Protection of Destitute Roman Catholic Children), corner Harrison Avenue and Concord Street. Temporary home for destitute children.

Boston Asylum and Farm School for Indigent Boys, Thompson Island. Provides a home and training for poor, not vicious, boys from 7 to 12 years of age, who have lost one or both parents.

Martin Luther Orphan Home, Baker Street, West Roxbury. The home cares for destitute orphan children over 4, of any race or creed, and offers a temporary home to half-orphans as long as the surviving parent is unable to provide a better.

St. Vincent's Orphan Asylum, Shawmut Avenue, corner Camden Street. Girls from 4 to 13 received, without regard to creed, and given for adoption or placed out at service. Parents or friends expected to pay, if able.

Boston Female Asylum, 1008 Washington Street. Receives destitute girls between 3 and 10, orphans preferred. Full surrender required; retained till 12, then indentured till 18.

House of the Angel Guardian, 85 Vernon Street, Roxbury. Relieves, educates, and reforms orphan, deserted, and especially wayward boys.

Shaw Asylum for Mariners' Children, Brookline, Mass. Helps destitute children of Massachusetts mariners, or of mariners who have been employed on Massachusetts vessels.

Roxbury Home for Children and Aged Women, Burton Avenue, off Copeland Street.

Newton Home for Girls, Mrs. R. R. Pomroy, Matron.

State Primary School, Monson, Mass. Intended as a training school for wards of the State (boys or girls), whom it is necessary to support by reason of poverty. A few children committed until majority to the care of the State Board of Health, Lunacy, and Charity, for minor offences, are sent here. For these, towns pay \$1.00 a week for each child charged to them. Besides these are children who have no settlement, committed under the neglect law.

Massachusetts Infant Asylum, Curtin Street, Jamaica Plain, near Boylston Station, Providence Railroad. Receives deserted and destitute infants under nine months.

St. Mary's Infant Asylum, Bowdoin Street, Dorchester. Maintains foundlings, orphans, and half-orphans.

Charlestown Infant School and Children's Home Association, 36 Austin Street, Charlestown. A temporary home for destitute children; also provides daily care for children whose parents are out at work, and receives children for adoption.

West End Day Nursery, 37 Blossom Street. Furnishes food and care during the day to poor children under five, whose mothers are at work.

North End Day Nursery, 39 North Bennet Street. Receives children from eighteen months to six years old.

North End Industrial Home, 39 North Bennet Street. Mrs. L. E. Caswell and Miss Velma C. Wright, managers. Day nursery and kindergarten; instruction in household and laundry work and cooking. Sewing room for women and girls of seven years and upward. Carpenter's work, shoemaking, and printing taught. Circulating library, amusements, and coffee room.

Temporary Home for Working Women, 124 Pleasant Street.

Industrial Temporary Home, 17 Davis Street. Temporary lodging and food to worthy persons.

Massachusetts School for Idiotic and Feeble-minded Youth, 723 East Eighth Street, South Boston. Gives care and instruction to feeble-minded children.

Perkins Institution and Massachusetts Asylum for the Blind, 553 East Broadway, South Boston.

American Asylum for Deaf and Dumb, Hartford, Conn. Receives free pupils from Massachusetts.

Clarke Institution for Deaf Mutes, Northampton. Free pupils from Massachusetts.

Horace Mann School for Deaf, Warrenton Street, Boston. A public day school.

Penitent Females' Refuge, 32 Rutland Street. Receives fallen young women for reform.

House of Good Shepherd, Tremont Street, opposite Parker Hill Avenue. Refuge for fallen women and wayward girls.

Portland Street Mission Home, 3 Concord Place,

off Worcester Street. For friendless and fallen women and girls.

New England Moral Reform Society, 6 Oak Place. Receives Protestant girls and young women (who pay a low price for board), and endeavors to restore them to society.

Massachusetts Home for Intemperate Women, 41 Worcester Street.

State Reform School for Boys, Westboro', Mass.

State Industrial School for Girls, Lancaster, Mass. For girls under seventeen, committed until majority for stubbornness, etc.

House for the Reformation of Juvenile Offenders, Deer Island.

Truant School Department, Deer Island. City Institution

Asylum for Discharged Female Prisoners, at Dedham, Mass. Children of convicts also received.

New England Society for the Suppression of Vice, corner of Tremont and Eliot Streets.

Citizens' Law and Order League, 9 Pemberton Square.

Probation Officer of Suffolk County, E. H. Savage, 1 Niles Block, City Hall Av.

Massachusetts General Hospital, Blossom Street.

New England Hospital for Women and Children, Codman Avenue, between Washington and Amory Streets.

City Hospital, Harrison Avenue opposite Worcester Square.

Carney Hospital, Old Harbor Street, South Boston.

Homeopathic Hospital, East Concord Street between Harrison Avenue and Albany Street.

Consumptives' Home and *Spinal Home*, corner of Warren Street and Blue Hill Avenue. Also receives children of patients.

St. Elizabeth Hospital, 78 Waltham Street. For sick poor women.

St. Joseph's Home, 41 East Brookline Street. For sick servant-girls and for children. Hospital for incurables

Children's Hospital, 1583 Washington Street. (New building on Huntington Avenue, to be occupied in 1883.) Gives free medical and surgical treatment to Boston children from two to twelve years of age. Children from out of Boston pay \$4 per week.

Channing Home, 30 McLean Street. An asylum for poor women and children, invalids, mostly those incurable. No pay received.

House of the Good Samaritan, 6 McLean Street. Free hospital care to women and girls, and boys under six.

St. Luke's Home for Convalescents, 149 Roxbury Street. Gratuitous care and medical treatment to women and children convalescent from disease.

Boston Lying-in Hospital, 24 McLean Street. Open to married women and to unmarried women with first child. Fees, \$20. Few free cases taken.

St. Mary's Lying-in Hospital, Bowdoin Street, Dorchester. None refused on account of inability to pay.

Free Hospital for Women, 60 East Springfield Street.

Marine and Naval Hospitals, at Chelsea.

Sea Shore Home, Winthrop. Healthful resort for sick and weakly children, from about July 1 to September 15. Apply to Dr. Hastings, corner Bennet and Ash Streets.

Country Week, by Young Men's Christian Union. 18 Boylston Street. Furnishes 1,300 children with one or two weeks' recreation in the country.

Poor Children's Excursions, Peters & Parkinson, treasurers. Gives to poor children, who have no other chance for excursions, a joyful picnic.

Eye and Ear Infirmary, 176 Charles Street. Free advice and prescription to outside patients; house patients \$5 per week.

Eye Department, Carney Hospital Old Harbor Street, South Boston. Free for outside patients.

State Insane Hospitals, at Worcester, Taunton, Northampton and Danvers. Boston Lunatic Hospital at South Boston. To secure admission by order of court, the certificate of two physicians is necessary.

Dispensary for Diseases of Women and Children, 18 Staniford Street.

Boston Dispensary, Bennet, corner Ash Street. Free medical and surgical advice and medicine.

Homœopathic Dispensary, 14 Burroughs Place, E. Concord Street, and Charity Building.

Roxbury Dispensary, 2298 Washington Street.

Charlestown Free Dispensary and Hospital, 27 Harvard Street.

North End Diet Kitchen, 34 Lynde Street.

South End Diet Kitchen, 19 Bennet Street.

News-boys and Boot-blacks' Reading-room, 16 Howard Street.

Industrial Aid Society for the Prevention of Pauperism, Charity Building, Chardon Street. Helps men and women to find work.

Highland Aid Society, 107 Warren Street, Roxbury. Gives clothing to poor of the Highland District, recommended by a member. Protestants preferred.

The Fragment Society. Apply by letter to secretary, Mrs Chas. Van Brunt, 66 Commonwealth Avenue. Gives material for clothing; also, shoes and ready-made infants' suits to destitute persons known to the society.

Boston Fatherless and Widows' Society. Secretary, Mrs. Wm. C. Child, 12 Beacon Street.

Widows' Society. Assists poor widows. Apply by letter to Mrs. Augustus Lowell, 60 State Street.

Devens Benevolent Society, Charlestown. Secretary, Mrs. Geo. W. Stevens, 12 Franklin Street, Charlestown.

The Howard Benevolent Society, in the city of Boston. Secretary, Geo. F. Bigelow, M. D., 334 Shawmut Avenue.

Young Men's Benevolent Society. Secretary, J. R. Reed, 68 Devonshire Street.

Jamaica Plain Employment and Temporary Relief Society, Curtis Hall, Centre Street, ward 23. Mrs. Wm. Bradley, agent.

Roxbury Charitable Society, 118 Roxbury Street, ward 21. L. H. Briggs, agent.

Society of St. Vincent de Paul. Secretary, John J. Mundo, 80 Emerald Street.

Boston Provident Association, room 32, Charity Building, Chardon Street.

Ladies' Relief Agency, room 37, Charity Building, Chardon Street.

South Boston Samaritan Society. Secretary, Miss Carrie R. Stackpole.

The British Charitable Society. Apply to J. Stuart MacCorry, City Hall.

La Prévoyance Société de Secours Mutuels de Lange Francaise. Apply to Charles Nolle, 23 Water Street.

German Aid Society, room 39, Charity Building, Chardon Street. M. Kallmann, agent.

Holland Church. Apply to pastor, G. Van de Kreeke, 11 Oscar Street, Roxbury.

United Hebrew Benevolent Association, 105 Summer Street. Room 5.

Italian Benevolent Society. Apply *in writing*, to A. Garbati, 16 Poplar Street.

Portuguese Benevolent Society, and Portuguese Union. President, E. J. Barcellos, 418½ Hanover Street.

New England Scandinavian Benevolent Society.
President, N. P. Lindergreen, 99 State Street.

Scots Charitable Society. Apply at Scots' Temporary Home, 77 Camden Street, ward 18; or, A. Loudon, 36 Province Street.

Swiss Aid Society. Apply to agent, F. Von Euw, 20 Conant Street, Roxbury.

Society for Relief of Sick Poor, furnishes nurses of Sisters of St. Margaret. Apply to Dispensary physicians.

The *Young Men's Christian Association*, corner Tremont and Eliot Streets; the *Young Women's Christian Association*, 68 Warrenton Street; and the *Young Men's Christian Union*, 18 Boylston Street, confer benefits upon young persons in many different ways.

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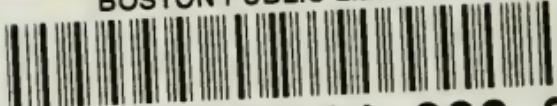
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